

Bill No. 14-04  
Concerning: Taxicabs – Amendments  
Revised: 5-10-04 Draft No. 2  
Introduced: May 11, 2004  
Expires: November 11, 2005  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President at the request of the County Executive

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**AN ACT** to revise and generally amend the law governing the licensing and regulation of taxicabs.

By amending

Montgomery County Code  
Chapter 53. Taxicabs and Limousines.

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act*

**Sec. 1. Chapter 53 is amended as follows:**

**Chapter 53. Taxicabs and Limousines.**

**[ARTICLE I. IN GENERAL.]**

**[53-1. Definitions.**

In this Chapter, unless the context indicates otherwise:

(a) *Department* means the Department of Public Works and Transportation.

(b) *Director* means the Director of the Department or the Director's designee.

(c) *Fleet taxicab company* means a business entity, however formed, created to transport passengers for compensation by taxicab that:

(1) Is required to obtain and qualifies for a passenger vehicle license in this County;

(2) Owns or has operational control over 5 or more taxicabs for use in the County;

(3) Provides its own centralized administrative, managerial, marketing, operational, and driver training services in the County that are physically separate from any other fleet taxicab company;

(4) Maintains its own department approved:

(A) Two-way radio communication system operated by a central dispatcher with a telephone answering service available to the taxicab riding public during its hours of operation; or

(B) Reasonably comparable public access system; and

(5) Provides uniform colors and markings for its taxicabs.

(d) *Identification card* means a card issued by the Director permitting an operator to drive a taxicab in the County.

(e) *Licensee* means a person owning a taxicab that has a passenger vehicle

license. It includes any principal, partner, Director, officer or managing agent.

(f) *Operator* means a person authorized to drive a taxicab under this Chapter.

(g) *Passenger* means a person engaging a taxicab for hire.

(h) *Passenger vehicle license* means a license issued by the Director allowing a vehicle to be operated as a taxicab in the County.

(i) *Seat belt* means any belt, strap, harness, or similar device used to protect passengers in a motor vehicle, that meets the current standards of the Society of Automotive Engineers or other standards of the Motor Vehicle Administration.

(j) *Security seal* means a lead and wire seal or similar device, attached to a taximeter by the Maryland Department of Agriculture for the protection of the taximeter against unauthorized access, removal, or adjustment.

(k) *Taxicab* means a passenger motor vehicle, for hire, designed to carry 7 persons or less, including the operator that:

(1) Operates upon any public road in the County; or

(2) On call or demand accepts or solicits passengers for transportation between points along public roads as designated by the passenger. "Taxicab" does not include a motor vehicle operated with the approval of the Washington Metropolitan Area Transit Commission on fixed routes and schedules.

(l) *Transfer* means:

(1) An assignment, sale, gift, conveyance or other disposition that has as its purpose or effect the transfer of the rights conferred upon the licensee by the passenger vehicle license; and

(2) If the licensee is a legal or commercial entity, includes the

transfer of 50 percent or more of the stock, voting rights, or other ownership or controlling interest in the entity, regardless of whether the transfer occurs as one transaction or is an aggregate of separate transactions.

- (m) *Unaffiliated fleet taxicab company* means a fleet taxicab company, including any officer, director, owner, employee, affiliate, subsidiary, and holding company, that does not have any direct or indirect ownership interest in or management control over another fleet taxicab company in the County and in which no other fleet taxicab company has an ownership interest or management control. ]

**[53-2. Penalty for violations.**

- (a) Except as provided in subsection (b), violations of this chapter or any regulation adopted under it are punishable as class B violations.
- (b) Violations of section 53-48 and section 53-48A are punishable as class A violations.]

**[53-3. Enforcement of chapter.**

This chapter is enforced by the director and the County Police.]

**[53-4. Chapter in addition to State law; regulations of municipalities within County; taxicabs from other jurisdictions.**

- (a) This chapter is in addition to and not in substitution for any laws of the state relating to the operation and licensing of motor vehicles. This chapter does not limit the rights of owners or operators of taxicabs, who are duly registered in any other county of this State or in any other state or the District of Columbia or the City of Takoma Park, to bring passengers into this County or into any other area of this County when the trip originated in such other jurisdiction. If the engagement of the taxicab has been for what is known as “waiting time,” the passengers so

brought into this County or into any other area of this County may be taken therefrom by the same taxicab and operator, but owners and operators of taxicabs registered or licensed in the City of Takoma Park or in any other jurisdiction have no other right to solicit business or transport passengers in this County or in any other area of this County. The director may enter into reciprocal agreements with other jurisdictions, including the City of Takoma Park.

- (b) Those taxicabs licensed by the City of Takoma Park and which have been granted the authorization described below may pick up passengers at any County address other than a Takoma Park or Langley Park address only if the destination of such passengers is within the jurisdiction which such taxicab is licensed to serve; provided, that taxicabs licensed by the City of Takoma Park may pick up passengers within the area east of Georgia Avenue and south of Colesville Road for transportation to a destination which lies within the same area. Authorization to provide the foregoing taxicab services shall be issued by the department to that number of taxicabs licensed by the City of Takoma Park which does not exceed the number of taxicabs licensed by that jurisdiction as of March 27, 1974; provided, that (1) the taxicab for which such authorization is sought is shown to be in compliance with standards of operating safety equal or comparable to the standards which govern taxicab operations in this County, and (2) the City of Takoma Park has, by lawful action of appropriate authority, authorized taxicabs which hold passenger vehicle licenses issued by the County to pick up passengers within that portion of the corporate limits of the City of Takoma Park which lies within the County, without limitation as to destination.]

**[53-5. Duty of licensees generally.**

A licensee must comply with this chapter and all laws and regulations applicable to the operation of the licensee's taxicab business in the County or State.]

**[53-6. Inspections CGenerally.**

(a) A licensee must permit all reasonable inspections by the director of vehicles licensed to operate under this chapter and must permit the examination of any business and dispatching records pertaining to the licensee's business as may be required for the administration and enforcement of this chapter. This includes all trip records required under this chapter to be kept by an operator.

(b) A licensee or operator, when so requested by the director or any police officer of the County or the State, must permit the vehicle, the passenger vehicle license or the driver's identification card to be examined.

(c) Failure to submit to an inspection or examination under this section is grounds for revocation of the passenger vehicle license or driver's identification card, or both.]

**[53-7. Same CSemiannual inspection of mechanical condition.**

Each taxicab operating in the County and licensed under this chapter must undergo a complete inspection of the general mechanical condition of the taxicab and any special equipment used to transport persons in wheelchairs every 6 months at such time and place as is designated by the department. Any taxicab found to be in an unsafe physical or mechanical condition or the condition of which violates any law must have its passenger vehicle license suspended. The director must immediately reinstate any unexpired and suspended license upon satisfactory proof that the violation of law or physical or mechanical defect has been corrected.]

**[53-8. Licensees and operators to give notice of change of address.**

A licensee or operator who changes a business or residential address must

136 notify the department of the change in writing within 48 hours from the change.  
137 Changes in officers, principals, partners or managing agents of a licensee must be  
138 reported in writing to the department within 48 hours of the change.]

139 **[53-9. Procedure when vehicle placed in or removed from service.**

140 A licensee must notify the department in writing, within 48 hours, of any  
141 taxicab which is to be placed in or removed permanently from service. A taxicab  
142 authorized by a passenger vehicle license must be placed in service within 6 months  
143 of issuance. When removing a taxicab permanently from service, notification must be  
144 made whether the owner junks the vehicle, sells it, or transfers title to it; whether it is  
145 no longer used as a taxicab; or whether the tags have been stolen or the registration of  
146 the vehicle has been revoked by the Motor Vehicle Administration. The passenger  
147 vehicle license issued by the department to the licensee must be returned by the  
148 licensee to the department with the notice that the taxicab is out of service.

149 The licensee must notify the department immediately when any taxicab is  
150 temporarily taken out of service for a period longer than 48 hours, explaining why  
151 the vehicle is out of service and giving its license number, assigned department  
152 number and registration number.]

153 **[53-10. Retirement of vehicles; maintenance and repair.**

154 A taxicab that is more than 6 model years old or which has traveled more than  
155 200,000 miles, whichever comes first, must not continue in service. A waiver may be  
156 granted by the director for taxicabs which are more than 6 model years old or have  
157 traveled more than 200,000 miles, or both, upon a written finding that the vehicle has  
158 passed a thorough safety inspection conducted in accordance with rules or  
159 regulations established by the County Executive under this chapter. A licensee must  
160 maintain its taxicab in a clean and safe operating condition and maintain lights,  
161 brakes, window glass, doors, tires, fenders, paint, upholstery and all devices and parts  
162 affecting the operation or appearance of the vehicle in good condition. A licensee

must comply with the orders of the director or other authorized agents of the County to immediately remove any taxicab which is not in safe operating condition or clean, sanitary and of good appearance from public service until repairs and replacement of defective equipment, painting or cleaning have been completed. These taxicabs must not be placed back in service until inspected and approved by the director or inspected in accordance with procedures established by the director.]

**[53-11. Vehicle equipment-Numbering.**

The department, at the time that a licensee is granted a license for any taxicab under the provisions of this chapter must assign a department number to the taxicab. The number so assigned must be placed in permanent paint, plainly distinguishable and not less than 3 inches high, on each of the 2 sides, on each of the 2 rear door roof columns, and on the rear of each taxicab. In addition, when the director so determines, the number must be affixed to the taxicab by decal or metal tag provided by the department in the manner determined by the director. Numbers must be assigned only in the manner designated by the director; and no removal, reassignment, or change in number from one vehicle to another may be made by any person without written authorization from the department. Unauthorized removal or change of such number is cause for revocation or suspension of a license or all licenses of a licensee or for other penalty as provided in this chapter.]

**[53-12. Same-Doors; lettering; color; special equipment.**

- (a) A taxicab operated in the County must have at least 3 doors.
- (b)
  - (1) A person may not operate a taxicab that is licensed to transport passengers in wheelchairs until the department approves the special equipment needed to transport passengers in wheelchairs.
  - (2) The department must establish uniform special equipment standards by regulation under method (3). Prior to adopting standards under this paragraph, the department should consult



with the Taxicab Services Advisory Committee, Commission on Handicapped Individuals, and interested members of the taxicab industry that are not represented on the Advisory Committee.

- (c) Each taxicab must be lettered in letters plainly distinguishable and not less than 3 inches high, in permanent paint on each of the 2 sides of the taxicab, to show the name and telephone number of the company, individual or association by whom the taxicab is owned or operated, and the word "taxicab," "taxi" or "cab." All taxicabs owned and operated by a company, individual or association must be uniform as to color. Color combinations approved by the department must be for the exclusive use of the company, association or corporation during the period within which the company, association or corporation is operating taxicabs within the County. Independently owned and operated cabs may be solid color with lettering as approved by the department.]

**[53-13. Same -Cruising lights.**

A taxicab must have cruising lights approved by the department that operate electrically as a sign or insignia mounted on the top of the forward portion of the taxicab. The light must be of such a design as to identify the vehicle as a taxicab operated by a particular individual, company, association or corporation. Taxicabs in associations, companies and corporations must have uniform distinguishable cruising lights approved by the director.]

**[53-14. Same-Interior numbering and lettering.**

A taxicab operating in the County must have its taxicab number and the name and telephone number of the company, association or individual by whom the taxicab is owned or operated prominently displayed in the rear seat area of the taxicab with distinguishable lettering and numbering at least 2 inches high.]

**[53-15. Same-Seat belts.**

All taxicabs must have one set of seat belts for each passenger in the taxicab.  
The seat belts must be easily accessible and in good working order.]

**[53-16. Same-Taximeters.**

A taxicab for which a passenger vehicle license has been issued under this chapter must be equipped, while in service, with an accurate, properly installed and connected taximeter which has a security seal affixed by the Maryland Department of Agriculture. Periodic tests of these meters will be made. Upon successful completion of the tests, the taximeter must be affixed with a security seal. These tests should be scheduled in a manner that minimizes interruption of taxicab service to the public. Except as otherwise specified, the requirements for approval and methods of testing and operation of taximeters must conform to specifications, tolerances and regulations for taximeters as set out in the National Bureau of Standards Handbook 44, or as may be established by executive regulation adopted by the County Executive under method (3). It is unlawful and cause for revocation or suspension of identification card or passenger vehicle license for any person:

- (a) To make any change in the mechanical condition of wheels, tires and gears of any taxicab with intent to cause false registration by the meter of the fare to be charged any passenger.
- (b) To make any charge for transportation other than computed by the taximeter with a security seal. The director may grant a waiver to this provision for a contract filed with the department that permits lower rates than those computed by the taximeter upon a written determination that the contract provision will not result in a significant reduction of service to the general public as provided under section 53-29.]

**[53-17. Rates.**

The County Executive must establish taxicab rates, by executive regulations adopted under method (3) of section 2A-15 of this Code, as is in the public interest

after public notice and hearing and after giving consideration to the recommendations of the Taxicab Services Advisory Committee. Notwithstanding any other law, to encourage ridesharing and other innovative taxicab services, the regulations may provide for payment methods that are not taximeter based.]

**[53-18. Duty to accept and convey passengers.**

(a) An operator of a taxicab must accept any passenger and convey any passenger where directed upon dispatch or request, unless the cab has an “Off Duty” card displayed or unless the operator is previously engaged or unable or prohibited by this Chapter or by other laws or regulations to do so. Without limiting the general duty to respond set forth in this subsection, the operator of a taxicab licensed and equipped to transport handicapped persons in a wheelchair must respond to a call for service for a handicapped person when reasonably possible to do so. Failure to respond is a ground for disciplinary action under Article IV.

(b) A licensee licensed to transport passengers in wheelchairs must provide training to each of its operators on the special needs of persons with disabilities. A training program must be developed by the Department, in consultation with the Commission on People with Disabilities, the Department of Health and Human Services, and the Taxicab Services Advisory Committee. This training should be made available to all operators issued an identification card under this Chapter.]

**[53-19. Passenger receipts.**

A taxicab operator must give a receipt showing the operator’s name, the time and place of origin and destination of each trip and the amount of the fare, on an authorized form, when requested to do so by a passenger.]

**[53-20. Failure of passenger to pay fare.**

A person who hires a taxicab under any agreement, express or implied, to pay

for the use of such vehicle a sum of money based wholly or in part upon the distance such taxicab travels while so used, must not fail or refuse to pay any lawful charge due the operator.]

**[53-21. Trip records.**

An operator of a taxicab, while driving the taxicab for business purposes, must keep a current written record of all trips on a form approved by the department. All trips must be entered on the trip record at the point of pickup. A licensee licensed to transport passengers in wheelchairs must submit to the department quarterly trip records showing the number of passengers in wheelchairs the licensee transported.]

**[53-22. Display of “off-duty” card.**

A taxicab, when not being operated for hire, must display, in the front window, a card with the words “Off Duty” 3 inches high printed on it so as to be visible to the general public.]

**[53-23. Operator and passengers only permitted in vehicle; exception.**

When a taxicab is in service, no person other than the operator and passengers is allowed in the taxicab, except a person participating in a driver training program maintained by the licensee.]

**[53-24. Maximum number of passengers.**

An operator may not carry more persons in a taxicab, including the operator, than the number designated as its seating capacity in the application for a passenger vehicle license, or more passengers than designated on the passenger vehicle license.]

**[53-25. Group riding.**

(a) A taxicab may be used to serve jointly passengers who have not previously notified the operator or dispatcher of their intention to travel together and whose trips either originate or terminate at different locations.

(b) A taxicab operator may accept as additional passengers those persons

who flag or signal the operator along the public right-of-way if the proposed route of travel for such additional passengers does not increase the fare for those passengers already occupying the taxicab. However, each passenger must consent to sharing the taxicab with others. This section does not authorize solicitation of passengers en route to the destination of the person or party occupying the taxicab. A person seeking taxicab service must not be refused service in order that the driver may try to effect more profitable grouping.

- (c) The County Executive must establish a method by executive regulations adopted under method (3) of section 2A-15 of this Code, to allocate the fare among passengers sharing a ride as authorized under this section in a manner that will encourage shared riding.]

**[53-26. Taxicab stands and call boxes-Generally.**

The director may provide for taxicab stands and call boxes in the County when they are required in the public interest.]

**[53-27. Same--Parking.**

A taxicab operator may not park in a public taxicab stand unless it is available for hire and its operator is awake and within plain view of the vehicle. The operator may not be further than 50 feet from the vehicle. An operator must not occupy any taxicab in a public taxicab stand other than that of which the individual is the operator.]

**[53-28. Parking to solicit business.**

It is unlawful for any taxicab operator in the County to park in any public controlled parking space, whether controlled by parking meter or posted by official signs, to solicit business.]

**[53-29. Hours of operation.**

The director must establish by regulation reasonable hours of operation that a

licensee must make its vehicle available for hire. A full-time operator must not operate a taxicab more than 12 hours in any 24-hour period. A part-time operator must not operate a taxicab more than 4 hours in the same 24-hour period in which the operator is otherwise employed for at least 8 hours. Any licensee who knowingly permits an operator to violate the provisions of this section or any operator who violates the provisions of this section may have the licensee's passenger vehicle license or the operator's identification card revoked or suspended, as appropriate.]

**[53-30. Possession of alcoholic beverages or controlled dangerous substances by operator prohibited.]**

It is unlawful and cause for revocation or suspension of the identification card for any operator, while operating a taxicab, either on or off duty, to have in the operator's possession any controlled dangerous substance, or to possess, or allow a passenger to possess, alcoholic beverages in the passenger compartment of the taxicab. Alcoholic beverages may only be transported in a taxicab in the trunk of the vehicle while the taxicab is being operated in an off-duty capacity. Any licensee who knowingly permits an operator to violate the provisions of this section may have the license for the specific vehicle or all licenses held by the licensee revoked or suspended.]

**[53-31. Trips to be made by most direct route.]**

Except as otherwise specifically provided in this chapter, all trips by taxicabs shall be made by the most direct route from point of pickup to point of destination.]

**[53-32. Accident reports.]**

An operator of a taxicab must report in writing to the department within 48 hours any accident involving his vehicle if any property was damaged or any person injured.]

**[53-33. Responsibility of licensee as to operators.]**

A licensee of a taxicab must not permit any of its vehicles to be operated in

this County if the operator of the taxicab has not complied with all the requirements of this chapter. A licensee must not permit or allow any of its taxicabs to be operated on duty in this County if the operator does not have within the vehicle the operator's properly displayed identification card as required by this chapter. It is the responsibility of the licensee to supervise and control the operation of the licensee's taxicabs so that an unauthorized person does not operate those vehicles. Violation of this section may result in the revocation of all passenger vehicle licenses held by the licensee.]

**[53-34. Taxicab associations.**

- (a) A taxicab association is defined as a group of taxicab licensees organized for the purpose of common benefit as regards operation, color scheme, and insignia.
- (b) An association must file with the department, in addition to any other data required by law:
  - (1) If incorporated, a copy of the certificate of incorporation, bylaws, and other rules and regulations relating to the organization and operation of the association and its membership. Incorporated taxicab associations which possess passenger vehicle licenses must submit by February 1 of each calendar year to the department a certificate of good standing issued by the Maryland State Department of Assessments and Taxation.
  - (2) Information on forms provided by the department, showing, for each cab, the licensee's name and address, cab make, serial number and taxicab number, and other pertinent information described on the forms. Any changes in the data or information required by this paragraph must be filed in writing with the department within 48 hours of the change.]

**[53-35. Regulations.**

Unless otherwise indicated in this chapter, the County Executive may adopt regulations under method (2) to administer this chapter.]

**[ARTICLE II. TAXICAB LICENSE.]**

**[53-36. Required.**

A person must not operate a taxicab, or any owner or lessee of a taxicab must not permit a taxicab to be operated, within the County, on or off duty, unless a valid passenger vehicle license has been issued for the vehicle and is prominently displayed in the taxicab.]

**[53-37. Taxicab services advisory committee.**

- (a) *Creation and membership.* A taxicab services advisory committee is created. Members are appointed by the County Executive and confirmed by the County Council.
- (b) *Composition.* The committee consists of 5 public members and 4 taxicab industry members. The County Executive should appoint the members so that:
  - (1) Of the 4 taxicab industry representatives, 2 must represent management and 2 must be taxicab drivers.
  - (2) Of the 2 drivers, one must be an owner-operator and one must be a non-owner-operator.
  - (3) A member of the committee serves at the pleasure of the County Executive.
  - (4) One member is designated as a chairperson, subject to confirmation by the County Council.
  - (5) Of the public members one person must represent the handicapped community.
- (c) *Ex officio members.* A representative of the director and of the County



Attorney must serve as ex officio nonvoting members of the committee.

- (d) *Term.* A committee member serves for a period of 3 years. In order to stagger the terms of membership when the advisory committee is first formed, the following members serve for a one-year term:

- (1) 1 public member;
- (2) 1 representative of taxi management; and
- (3) 1 taxi driver (owner-driver).

The following members serve for a 2-year term:

- (1) 2 public members; and
- (2) 1 taxi driver (non-owner).

The following members serve for a 3-year term:

- (1) 2 public members; and
- (2) 1 representative of taxi management.

Once an initial term is served, a member must not serve more than an additional 2 consecutive full terms.

- (e) *Functions and duties.* The committee performs those functions and discharges those duties concerning taxicab services in Montgomery County that are stated in this chapter or by regulations adopted by the County Executive. The committee advises the director in carrying out the duties and functions prescribed by this chapter and evaluates the performance of the taxicab industry in serving segments of the population with special transportation needs such as the handicapped or the elderly.

- (f) *Administrative support.* The County Executive must furnish the committee with office space, filing facilities, and clerical and secretarial services as needed.]

### **[53-38. Application and fees generally.**

- 433 (a) *Application.* An application for a passenger vehicle license under this  
434 article must be filed with the director in accordance with the form and  
435 procedure that the director establishes. The application must be made  
436 under oath. The application must contain:
- 437 (1) A statement of financial responsibility consisting of:
- 438 (A) A notarized statement by the applicant stating:
- 439 (i) The availability of unencumbered financial  
440 resources sufficient to place the number of taxicabs  
441 subject to passenger vehicle licenses applied for into  
442 service; and
- 443 (ii) The applicant's intention to use these unencumbered  
444 resources to place these taxicabs into service within  
445 90 days from the date the license is granted.
- 446 (B) A certificate of insurance, or written correspondence from  
447 an insurance company, stating that the applicant will be  
448 able to acquire the required insurance and that the  
449 insurance will not be canceled or modified without prior  
450 written notice from the insurer to the department.
- 451 (2) A notarized statement by the applicant stating:
- 452 (A) That the applicant is familiar with this chapter and the  
453 County taxicab regulations and that the applicant is not  
454 disqualified from holding a passenger vehicle license  
455 under section 53-43 of this chapter;
- 456 (B) The applicant's experience in providing service as an  
457 owner or operator of a taxicab, or both;
- 458 (C) The applicant's familiarity with the geographic area to be  
459 served;

- 460 (D) The applicant's willingness and ability to properly  
 461 maintain the taxicab to be placed in service in a clean and  
 462 safe operating condition;
- 463 (E) The applicant's existing or proposed hiring and training  
 464 procedures for drivers of any taxicabs to be placed in  
 465 service; and
- 466 (F) Evidence of ability to provide call response service as  
 467 shown by accessibility to a 24-hour/day taxicab dispatch  
 468 service.
- 469 (3) Any additional verification of financial resources or other  
 470 information required by the department, including a certified  
 471 financial statement.
- 472 (4) A financial security instrument such as a bond or letter of credit,  
 473 as may be required by regulation.
- 474 (b) A licensee must provide the department with written notice of any  
 475 additional or changed information to that provided under this section.  
 476 Notification to the department must occur within 10 days of the  
 477 discovery of the additional information or change in information by the  
 478 licensee.
- 479 (c) *Application fee.* An application fee, not to exceed an amount necessary  
 480 to administer the requirements of this chapter, must be established by  
 481 executive regulation under method (3). The fee must be paid with the  
 482 application. The director may refund all or part of an application fee, in  
 483 accordance with regulation, if an applicant does not receive a passenger  
 484 vehicle license.
- 485 (d) *Issuance and renewal fees.* A fee, not to exceed an amount necessary to  
 486 administer the requirements of this chapter as established by executive

regulation under method (3), must be paid by each successful applicant upon issuance to that applicant of a passenger vehicle license, and by each holder annually for renewal of a passenger vehicle license.]

**[53-39. Certificates to be furnished by applicant.**

A license must not be issued under this article until the applicant furnishes the director the following certificates:

- (a) A certificate from the County-designated inspection station that the vehicle is mechanically safe.
- (b) A certificate from the Maryland Department of Agriculture that the taxicab meter has been tested and approved.]

**[53-40. Insurance required of applicants.**

Before issuing any passenger vehicle license under this article, the department must ascertain as to each vehicle license that the owner has insurance or surety for the vehicle covering bodily injury or death to any passenger or other person, and property damage, in the amounts required by regulations adopted by the County Executive under method (3) and that the insurance or surety covers the full period for which the vehicle is to be licensed.

If at any time, the insurance or surety coverage lapses during the license year, the licensee must immediately notify the department and the license must be immediately suspended without notice or hearing. The director must immediately obtain possession of the license and must not reissue it until the insurance or surety requirements are fully met.]

**[53-41. One license for each taxicab.**

A licensee is entitled to only one passenger vehicle license for each taxicab qualified under this article.]

**[53-42. State registration required prior to issuance of certificate.**

The director must not issue or renew a passenger vehicle license unless the

applicant or licensee has registered the taxicab as a “class B” for-hire vehicle with the Motor Vehicle Administration for the current year in which the application for license is made and the registration remains valid. The applicant or licensee must provide the department with written notice of any revocation or suspension of the registration of the taxicab as a “class B” for-hire vehicle within 48 hours of the revocation or suspension. ]

**[53-43. Criteria for denial, issuance, or renewal of a passenger vehicle license.**

The department must not issue or renew a passenger vehicle license to any of the following:

(a) *Bad moral character.* Any licensee or applicant who is not of good moral character. In determining good moral character, the following must be considered:

- (1) The applicant’s or licensee’s penal record, including all convictions, the reasons therefor and the demeanor of the applicant or licensee subsequent to any conviction. Special emphasis must be given to convictions for violations of the gaming, narcotic or alcoholic beverage laws or for crimes involving violence or sex offenses.
- (2) The driver’s license history of the applicant or licensee, including whether the applicant or licensee, in previously operating in this or another jurisdiction, has had a license revoked or suspended and the reasons for the revocation or suspension.
- (3) Any other facts related to the general personal history of the applicant or licensee that are relevant to a fair determination of good character for licensing under this chapter.

(b) *Indebted to State or County.* Any applicant or licensee indebted or obligated to any town or city, the County or the State, in connection

with the operation of or the property used for the taxicab business,  
except for taxes for the current taxable year.

- (c) *Fraud or false statements.* Any applicant or licensee who procures or attempts to procure a license by fraud, misrepresentation, false or misleading statements, evasions or suppression of material facts; or any applicant or licensee guilty of fraud, misrepresentation or false statement in the course of carrying on the taxi business.
- (d) *Violations of County or State laws.* Any applicant or licensee whose record of violations of this chapter or other ordinances or licensing laws or regulations of the County, State or other jurisdictions indicates that a license should not be granted for the protection of the public safety, morals or welfare. If the “licensee” or “applicant,” as the term is used in this section, is other than an individual person, then the term shall include, as to partnerships, any partner and the managing agent in charge of the operation under the license; as to joint ventures, societies, associations, clubs, etc., each of the principals or officers and the managing agent in charge of the operation under the license; as to corporations, each of the directors, officers and the managing agent; and the acts of record of the directors, partners, officers or agents are the acts or record of the licensee or applicant.]

#### **[53-44. Issuance-General.**

- (a) A passenger vehicle license may only be issued by the director:
  - (1) To a qualified applicant; and
  - (2) In accordance with this chapter. An applicant is qualified if the applicant meets all requirements of this chapter and applicable regulations.
- (b) The director must provide a licensee with:

- 568 (1) A passenger vehicle license containing that information required  
 569 by law or regulation; and
- 570 (2) An assigned number to the licensee's taxicab.
- 571 (c) In addition to the number of passenger vehicle licenses authorized and  
 572 issued on January 1, 1988, the director may issue each year in calendar  
 573 years 1988, 1989 and 1990:
- 574 (1) 50 new passenger vehicle licenses;
- 575 (2) 3 new passenger vehicle licenses for taxicabs equipped to  
 576 transport wheelchair passengers issued under the lottery  
 577 procedures of this article; and
- 578 (3) Up to 15 passenger vehicle licenses for innovative taxicab  
 579 services under section 53-44B.
- 580 (d) For purposes of yearly license allocations under subsection (c), a license  
 581 will be counted in the calendar year of issuance, irrespective of the  
 582 applicable license year.
- 583 (e) (1) The director may increase the number of passenger vehicle  
 584 licenses authorized under subsection (c)(2) for taxicabs equipped to  
 585 transport wheelchair passengers or subsection (c)(3) for innovative  
 586 taxicab services serving a segment of the population with special needs  
 587 if the director determines that there is sufficient need.
- 588 (2) The director may issue passenger vehicle licenses in excess of the  
 589 annual limitations under subsection (c)(3) up to the 3-year  
 590 aggregate limit of 45 licenses. However, issuance of these  
 591 licenses may not exceed 25 licenses in one year.
- 592 (f) The number of passenger vehicle licenses available for issuance under  
 593 subsection (c)(1) of this section must be allocated so that qualified  
 594 existing and new unaffiliated fleet taxicab companies may be issued, in

the aggregate, 70% of the total number of those licenses under section 53-44A. Other qualified applicants must be issued licenses under the lottery procedures of this article.

(g) Any authorized licenses originally available for issuance under section 53-44A to existing fleet taxicab companies may be issued to other qualified applicants under the lottery procedures of this article after any awards to a new unaffiliated fleet company. Any authorized but unissued licenses originally available to non-fleet companies or individuals may be issued under section 53-44A after lottery procedures have been completed. After all awards, any remaining unissued licenses must be allocated in the following year in its original license category.

(h) An applicant for a license for a taxicab equipped to transport passengers in wheelchairs must submit a separate application under section 53-38.

(i) Notice of available passenger vehicle licenses must be published in a newspaper of general circulation.

(j) Unless approved by the director for good cause, the taxicab authorized by a passenger vehicle license must be placed in continuous operation, in accordance with this chapter, or the license is forfeited. A break in service for more than 5 consecutive days is a violation of this subsection.]

**[53-44A. Fleet taxicab company licenses.**

(a) A fleet taxicab company may apply for and be issued not more than 10 available passenger vehicle licenses each year. Of the licenses applied for, 20 percent must be for taxicabs equipped to transport wheelchair passengers. In determining the number of licenses, if any, to issue to an applicant under this section, the director should consider:



- (1) The applicant's financial and managerial resources to operate and maintain the taxicab in conformance with this chapter, given the number of licenses applied for and the current number of taxicabs in the company's fleet;
  - (2) Geographic areas of service, including the existence of growth in a service area or a willingness to serve in areas that need additional taxi service;
  - (3) The past record of calls not served;
  - (4) Taxicab productivity, as measured by the number of daily trips per cab and trips per shift, as well as response time;
  - (5) Development of and participation in innovative taxi services, including "call n' ride" and ridesharing programs;
  - (6) Driver training programs;
  - (7) Age, quality and maintenance record of existing taxis;
  - (8) Relative number of validated consumer complaints in the previous year;
  - (9) The number and seriousness of any enforcement actions against the applicant or its drivers; and
  - (10) Other similar performance related criteria, as provided by regulation.
- (b) If available licenses are insufficient to satisfy requests from applicants that qualify for a license under subsection (a), the director must establish a comparative ranking system using criteria set forth in this section. In issuing licenses under this subsection, the director must utilize a ranking system that will promote high-quality taxi service and a viable and competitive taxi industry. Any comparative ranking system must be established, in advance of license issuance, by regulation under

method (3).

- (c) (1) If authorized licenses are available after issuance under subsections (a) and (b), the director may issue up to 15 licenses under this section to any qualified applicant proposing to operate as a new unaffiliated fleet taxicab company during the license year. If authorized licenses are not fully available from the allocation to fleet taxicab companies, the director may award licenses from the allocation available to fleet taxicab companies in future years subject to a limitation of 45 licenses in the aggregate. The number of licenses awarded from any future year allocation is in the director's sole discretion. However, to the extent possible, the director should evenly reduce the allocation between future years.
- (2) An applicant proposing to operate a new unaffiliated fleet taxicab company may apply when licenses are made available for issuance to existing fleet taxicab companies or at any other time that the director permits. Of the licenses applied for, 20 percent must be for taxicabs equipped to transport wheelchair passengers.
- (3) In determining whether or not to issue one or more licenses to the applicant, the director should consider, among any other relevant factors, the applicant's:
- (A) Written business plan, including a description of all ownership and management interests, levels and types of service to be provided, proposed operations and driver training programs, and marketing approach;
  - (B) Level of capitalization and expected operational costs;
  - (C) Experience; and
  - (D) Ability to comply with all regulatory requirements of this

chapter.

(d) The director may only issue a license under subsection (c) if the director finds that:

- (1) The applicant would not have qualified in the preceding year as a fleet taxicab company; and
- (2) The application justifies an expectation of a high level of taxicab service.

(e) Notwithstanding any numerical limits under this article, a qualified new or existing fleet taxicab company may apply for and be issued additional passenger vehicle licenses in a number equal to the licenses issued under this section to the company that year for taxicabs equipped to transport wheelchair passengers.

(f) Any calculation under this section must be completed by rounding to the nearest whole number. One-half must be rounded up to the next whole number.

(g) At the written request of any applicant, the director must state, in writing, the basis for any decision denying its application, in part or in whole, under this section.]

#### **[53-44B. Special licenses.**

(a) In addition to the number of licenses available for issuance under subsections 53-44(c)(1) and (c)(2), the director may issue up to 15 licenses to a qualified applicant or applicants, in the aggregate, to provide innovative taxicab service on an experimental or permanent basis, including:

- (1) Serving segments of the population with special transportation needs such as elderly citizens in up-County areas or other parts of the County where appropriate;

- (2) Jitney service;
- (3) Peak demand; or
- (4) Similar transportation services.

- (b) The availability of licenses under this section must be advertised in at least one newspaper for 2 consecutive weeks. Licenses must be issued on a competitive basis using relevant criteria and procedures set forth in this article that will best achieve a high level of taxicab service. The director may establish appropriate conditions for issuance of a license issued under this section and revoke the license, at any time, for noncompliance.]

**[53-45. Issuance-Lottery procedures.**

- (a) If the number of applications filed by all qualified individual or non-fleet applicants equals or is less than the number of authorized passenger vehicle licenses for a calendar year that are available under section 53-44, the director must issue to each qualified applicant the number of licenses requested. If the number of applications from all qualified individual or non-fleet applicants exceeds the number of available and authorized passenger vehicle licenses for a calendar year, the director must conduct a lottery to determine the priority of issuance.
- (b)
  - (1) Licenses issued by lottery must be awarded under the procedures of this section.
  - (2) An existing or new fleet taxicab company may not participate in the lottery required under section 53-44(e).
- (c) A separate lottery must be conducted by the director to determine the issuance of:
  - (1) Passenger vehicle licenses for taxicabs equipped to transport wheelchair passengers;

- 730 (2) Passenger vehicle licenses that become available under sections  
731 53-44(f); and
- 732 (3) Any other authorized passenger vehicle licenses that may become  
733 available during a calendar year.
- 734 (d) A lottery must be conducted:
- 735 (1) In a random manner;
- 736 (2) So that a qualified applicant has an equal probability of winning a  
737 license on each draw regardless of the number of applications  
738 that the applicant has requested and qualified; and
- 739 (3) So that an applicant does not receive more licenses than the  
740 number for which the applicant applied.
- 741 (e) A lottery may be conducted in 2 separate phases. Phase One determines  
742 the recipients of available passenger vehicle licenses and continues until  
743 all available licenses have been awarded. Phase Two determines an  
744 eligibility list for issuance of passenger vehicle licenses that may  
745 become subsequently available and applies to those applicants not  
746 receiving the number of licenses applied for under Phase One. The  
747 drawing in Phase Two continues until all applicants appear on the  
748 eligibility list for the number of licenses for which they applied. The  
749 eligibility list is terminated annually.
- 750 (f) As passenger vehicle licenses become available for reissue, the  
751 applicant highest on the eligibility list must be notified by the  
752 department that a passenger vehicle license is available and of the  
753 appropriate acceptance procedures and deadline. Notice must be sent by  
754 mail to the address listed by the applicant on the application. If the  
755 taxicab is not placed in service in a timely manner as specified in the  
756 executive regulation, an applicant's eligibility is terminated. The

department must then give notice to the next applicant on the eligibility list.]

**[53-46. Display.**

A passenger vehicle issued under this article must be prominently displayed at all times in the taxicab for which it is issued in a manner that is plainly visible to the passengers.]

**[53-47. Duplicates.**

Upon proof satisfactory to the department that a passenger vehicle license has been lost or destroyed, the department must issue a duplicate license certificate to the licensee upon payment of a fee of \$1.00.]

**[53-48. Transferability.**

(a) *Limitations on transfers.* Except as provided in subsection (b), the transfer of a passenger vehicle license is prohibited.

(b) *Permissible transfers.* Subject to the requirements of subsection (c), the following transfers of a passenger vehicle license are permissible:

(1) A passenger vehicle license initially issued prior to calendar year 1988 may be transferred at any time except within 5 years of issuance or within 3 years of transfer as provided under law in effect on January 1, 1988.

(2) The transfer of a passenger vehicle license issued after January 1, 1988, at any time except within 3 years of issuance or within 3 years of transfer.

(3) The transfer to a successor entity in a reorganization if the ownership interests, control, and management of the reorganized entity are the same as the original entity and the reorganized entity assumes responsibility for the debts and obligations of the original entity.

- 784           (4)    The transfer of the passenger vehicle license to a member of the  
785                licensee's immediate family. Immediate family consists of a  
786                spouse, parents, children and siblings.
- 787           (5)    A licensee may have the passenger vehicle license for a retired  
788                taxicab reissued for another vehicle which is to be used by the  
789                licensee as a taxicab.
- 790       (c)    *Procedures.* A transfer of a passenger vehicle license permitted under  
791                subsection (b) may occur only if:
- 792           (1)    The licensee notifies the department in writing of the proposed  
793                transfer at least 20 business days prior to the date of the proposed  
794                transfer;
- 795           (2)    Notification includes the terms and conditions of the proposed  
796                transfer and the name of the proposed transferee;
- 797           (3)    The transferee satisfies all of the requirements of this chapter and  
798                applicable regulations;
- 799           (4)    The director has approved the proposed transfer of the passenger  
800                vehicle license;
- 801           (5)    The licensee has surrendered the existing passenger vehicle  
802                license; and
- 803           (6)    The transferee has assumed any debts and other obligations of the  
804                transferor related to its taxicab business.
- 805       (d)    *Issuance.* A new passenger vehicle license must be issued to the  
806                approved transferee upon satisfaction of the requirements of subsection  
807                (c) for the unexpired term of the original passenger vehicle license.
- 808       (e)    *Waiver.* Except for a proposed transfer between a new unaffiliated fleet  
809                taxicab company and another fleet taxicab company, the director may  
810                waive any prohibition against transferability if the director is satisfied

that granting a waiver is likely to produce:

- (1) More effective competition; and
- (2) Based on the business plan of the transferee, an improved level of taxicab service for consumers in the County.]

**[53-48A. Prohibition on certain other agreements.**

In addition to any prohibition under section 53-48 against the transfer of a new passenger vehicle license issued after January 1, 1988, a licensee may not enter into a contract which requires or provides for remuneration or other consideration for operation of a taxicab authorized by a license unless the licensee:

- (a) Personally operates the taxicab authorized by the license;
- (b) Operates as a fleet taxicab company; or
- (c) Operates as a taxicab company or association with uniform markings and colors.]

**[53-49. Expiration; renewal.**

A passenger vehicle license:

- (a) Expires one year from the date of issuance at 12:00 p.m.
- (b) May be renewed annually if the licensee:
  - (1) Submits a notarized statement from the licensee affirming that there are no changes in the information and statements submitted with the original application except as have been previously or are being presently submitted; and
  - (2) Otherwise complies with this chapter and applicable regulations.]

**[ARTICLE III. OPERATOR'S IDENTIFICATION CARD.]**

**[53-50. Required.**

A person must not operate any taxicab on duty in the County unless the person has a valid identification card issued under this article. Operation of any taxicab by a person without a valid identification card on a "for hire" basis or without prominent



display visible to the public of an “off duty” sign as provided in section 53-22 is cause for revocation of the passenger vehicle license and identification card of the operator [responsible for such] of the taxicab.]

**[53-51. Application.**

An applicant for an identification card under this article must file with the department a written application, under oath, in the form required by the director.]

**[53-52. Applicant to furnish physician’s certificate.**

Before the issuance of an operator’s identification card under this article, the department must require the applicant for the identification card to furnish a current physician’s certificate, certifying that the applicant has been given a physical examination and is not subject to any physical or mental impairment that could adversely affect the applicant’s ability to drive safely or otherwise endanger the public health, safety, or welfare. The department may, after the issuance of such identification card, require an operator to furnish such a physician’s certificate, bearing a current date, if the director has reason to believe that the operator may be suffering from a physical or mental impairment that could adversely affect the operator’s ability to drive safely or otherwise endanger the public health, safety, or welfare.]

**[53-53. Applicant to furnish fingerprints and photographs.**

Before issuing an operator’s identification card, the department must require the applicant to furnish:

- (a) A copy of the applicant’s fingerprints which must be taken by the County Police Department in Rockville, Maryland, without charge to the applicant.
- (b) Four (4) photographs of the applicant of a size and character to be prescribed by the department, consisting of 3 front and 1 side view.]

**[53-54. Examination of applicant.**

The department may require, prior to the issuance of a card under this article, that the applicant pass an examination on knowledge of traffic laws, duties under this chapter, and general qualifications to operate a taxicab within the County.]

**[53-55. Criteria for denying issuance or renewal of an identification card.]**

The director must not issue or renew identification cards to operate taxicabs to any of the following persons:

(a) *Bad moral character.* Any person who is not of good moral character.

In determining good moral character, a criminal record, if any, and the applicant's license and traffic record in this or other jurisdictions must be considered. Special emphasis in reaching a decision on moral character must be given to any convictions for crimes of violence, sex offense, violations of the gaming laws, or violations of controlled dangerous substances or alcoholic beverage laws.

(b) *Penal record.* Any person who has, within 3 years immediately preceding the date of the application, been convicted of:

- (1) Any offense involving violence;
- (2) Any sex offense;
- (3) Soliciting for prostitution;
- (4) Illegal sale or use of alcoholic beverages, particularly when driving;
- (5) Violation of any laws governing controlled dangerous substances; or
- (6) Violation of the gaming laws.

(c) *Traffic record.* Any person whose traffic record of "moving" offenses for the 3-year period immediately preceding the date of application demonstrates that the applicant is not a safe or careful driver.

(d) *False statements.* Any person who makes a false statement to any

question upon any form required by the department or who attempts to procure or procures an identification card by fraud, misrepresentation, misleading statements, evasion or suppression of material facts. The person may reapply for an identification card at the expiration of 6 months from the date of denial or sooner at the discretion of the director.

- (e) *Physical or mental condition.* Any person who is physically or mentally impaired to the extent that there is a likelihood that the applicant is unfit to safely operate a taxicab or who may otherwise endanger the public health, safety, or welfare.]

**[53-56. Fee.**

The fee for an identification card under this article must not exceed an amount necessary to administer the requirement of the chapter as established by executive regulation under method (3).]

**[53-57. Issuance; contents.**

The department must issue to every operator who is qualified under this article an identification card containing the operator's name, number of identification card and photograph. ]

**[53-58. Display.**

The operator's identification card must be prominently displayed at all times in the taxicab which the holder of such card is operating and in a manner that is plainly visible to the passengers.]

**[53-59. Transfer prohibited.**

An identification card issued under this article must not be transferred or assigned.]

**[53-60. Permitting use by other persons prohibited.**

A person holding an identification card under this article must not permit the

use of the person's identification card by any other person.]

**[53-61. Duplicates.**

Upon proof satisfactory to the department that an identification card issued under this article has been lost or destroyed, the department must issue a duplicate card to the operator upon payment of a fee as established by executive regulation.]

**[53-62. Expiration.**

Each identification card issued under this article expires one year from the date of issuance.]

**[ARTICLE IV. DISCIPLINARY PROCEDURES AND APPEAL.]**

**[53-63. Grounds for revocation or suspension.**

(a) The director may revoke or suspend any or all of the passenger vehicle licenses held by a licensee or an identification card of an operator, as appropriate, if, after notice and opportunity for a hearing, the director finds:

- (1) Facts existing prior or subsequent to the issuance of a passenger vehicle license or identification card that would be cause under this chapter for refusal to issue or renew by the director;
- (2) Violation of this chapter or regulations adopted under it, or of any other federal, state, or local law by the licensee or operator;
- (3) Conviction of a licensee or operator of any crime of moral turpitude, including crimes of violence, sex offense, or violation of the controlled dangerous substance or gaming laws;
- (4) Procurement or attempted procurement of a license or identification card by fraud, misrepresentation, false or misleading statement, or omission of material facts; or
- (5) The operation, or the allowing of a taxicab to be operated, in a manner that endangers the public health, safety, or welfare.

(b) In addition to those reasons specified in subsection (a), the director may revoke or suspend the identification card of an operator if:

(1) A consistent pattern of reasonably verified complaints against the holder of an identification card is received by the department within any 12-month period or when a reasonably verified complaint involving a threat to the public health, safety, or welfare is received by the department;

(2) The operator has been convicted for operating a motor vehicle under the influence of or while intoxicated with alcohol or a controlled dangerous substance, or for reckless driving; or

(3) The operator has been convicted of failure to stop after involvement in an accident or has a traffic record which indicates an unsafe driving pattern or disregard for the motor vehicle laws of this State.

(c) A revocation or suspension under paragraph (3) of subsection (a) of this section must remain in effect pending appeal until final disposition of the criminal action.

(d) This section is in addition to any other provision of this chapter that establishes cause for the suspension or revocation of a passenger vehicle license or operator's identification card.]

**[53-64. Notice and opportunity for hearing.**

(a) Prior to revoking or suspending a passenger vehicle license or operator's identification card, the director must:

(1) Notify the holder of the license or identification card, as appropriate;

(2) State the reasons for the proposed action; and

(3) Provide an opportunity for a hearing to contest the proposed

973 action under this section.

974 (b) Any hearing must be held before the Chief Administrative Officer or its  
975 designee.

976 (c) (1) The director's proposed action on a revocation or suspension is  
977 final if a hearing is not requested within 10 days of notification of that  
978 opportunity.

979 (2) If the director reasonably believes that the public health, welfare,  
980 or safety is threatened by continued operation of a taxicab by a  
981 licensee or operator, the director may accelerate any time  
982 requirements of this article so long as reasonable due process is  
983 afforded.

984 (d) The hearing must be conducted in accordance with the Administrative  
985 Procedures Act. The Chief Administrative Officer or designee may  
986 affirm, modify, or reverse a proposed action of the director.

987 (e) (1) Notification by personal service or certified letter to the last  
988 address on file with the department is sufficient notice under this  
989 section.

990 (2) Failure to appear at a hearing, after notice, is a waiver of the right  
991 to a hearing.]

992 **[53-65. When effective; surrender of license.**

993 (a) A revocation or suspension of a passenger vehicle license or operator's  
994 identification card is effective immediately upon notification by the  
995 director or the Chief Administrative Officer or designee if a hearing has  
996 been requested.

997 (b) Upon receipt of notice of a revocation or suspension, the licensee or  
998 operator must, within 24 hours:

999 (1) Place the license or identification card in the mail, postage

- 1000 prepaid, addressed to the department; or
- 1001 (2) Physically deliver the license or identification card to the
- 1002 department.
- 1003 (c) If the department does not receive the license or identification card
- 1004 within 48 hours from the time of notification, excluding weekends or a
- 1005 legal holiday, the director or County Police may:
- 1006 (1) Remove the revoked or suspended license or identification card
- 1007 from the taxicab; or
- 1008 (2) Demand the return of the license or identification card by the
- 1009 appropriate person.]

1010 **[53-66. Administrative appealC License and identification card issuance.**

- 1011 (a) A person may appeal to the director from a decision denying an
- 1012 operator's identification card or a license, including the opportunity to
- 1013 compete for a license under the lottery procedures of this chapter
- 1014 because of a lack of qualifications.
- 1015 (b) An appeal must be requested in writing by an applicant within 10 days
- 1016 of receipt of a written decision from the department. If requested, the
- 1017 director must provide an opportunity for a hearing in accordance with
- 1018 the Administrative Procedures Act and other procedures set forth in
- 1019 section 53-64.
- 1020 (c) The decision of the director under this section constitutes final
- 1021 administrative action for purposes of judicial review.]

1022 **[53-67. Appeal from denial, revocation, or suspension.**

- 1023 (a) Any person aggrieved by the denial, suspension, or revocation of any
- 1024 passenger vehicle license or operator's identification card may appeal a
- 1025 final administrative action to the Circuit Court for Montgomery County
- 1026 in accordance with the "B" Rules of the Maryland Rules of Procedure.

- (b) The director's decision to deny a license or operator's identification card may not be stayed pending appeal. Final administrative action that revokes or suspends a license or an identification card may be stayed pending appeal only if the court finds that the public health, safety, or welfare will not be endangered by reissuance pending appeal.
- (c) A lottery or other license issuance procedure may proceed even though a judicial appeal is pending from the denial of a passenger vehicle license or the opportunity to compete for a license. Judicial modification or reversal of a final administrative action to deny a license or the opportunity to compete for a license does not affect the validity of other licenses that have been properly issued under this chapter. A passenger vehicle license may be granted if improperly denied notwithstanding the numerical limits in section 53-44.]

## **ARTICLE I. GENERAL**

**53-101. Definitions.** In this Chapter, unless the context indicates otherwise:

Accessible taxicab means a taxicab that the Department has authorized to transport passengers with disabilities.

Association means 5 or more individual licensees who join together to form a business entity to provide taxicab service.

Association Certificate means a certificate issued by the Director that allows an entity to operate as an Association.

Committee means the Taxicab Services Advisory Committee.

Department means the Department of Public Works and Transportation.

Director means the Director of the Department or the Director's designee.

Driver means an individual with a Taxicab Driver Identification Card authorized by the Director to operate a taxicab under this Chapter.



Entity means a validly formed and existing business association, including all forms of corporations and partnerships.

Fleet means a business entity, however formed, that holds 5 or more fleet licenses in its own name that are designated for fleet use.

Fleet certificate means a certificate issued by the Director that allows an entity to operate as a fleet.

In service means the operation of a taxicab on any roadway in the County when the driver is not displaying an approved out of service sign or notice.

License means a Passenger Vehicle License issued under this Chapter.

Licensee means an individual or fleet to whom the Director has issued a license.

Management Plan means a plan approved by the Department before issuing a fleet or association certificate.

Out of service means a taxicab that:

(1) displays a Department approved out of service sign or notice while being operated; or

(2) is removed from revenue service and parked.

Passenger means a person who engages a taxicab for hire.

Passenger Vehicle License means an approval to provide taxicab service, either as a fleet (Fleet License) or an individual (Individual License).

Permit means a taxicab permit issued to a vehicle if it meets the requirements under this Chapter.

Seat belt means a seat belt as defined in State law.

Security seal means a lead and wire seal, or a similar device, attached to a taximeter to secure the meter against unauthorized access, removal, or

adjustment.

Special license means a license to provide taxicab service to a population, based on geographic location or special need, that the Director finds would be underserved by existing taxicab service.

Taxicab means a motor vehicle that:

- (1) is designed to carry 7 or fewer persons, not including the operator;
- (2) provides for-hire transportation services in the County, and
- (3) either:
  - (A) appears to be a taxicab or appears to be or is for hire;
  - (B) displays the word "taxi" or "cab" or "taxicab" anywhere on the vehicle;
  - (C) is advertised or held out to the public as a taxicab; or
  - (D) is provided through hail from a roadway in the County.

Taxicab Driver Identification Card or Identification (ID) Card means a card issued to a qualified Taxicab Driver.

Taxicab Stand means those spaces in an area marked for the sole use of taxicabs to wait for passengers.

Transfer:

- (1) means an assignment, sale, gift, conveyance or other disposition that has as its purpose or effect the transfer of the rights conferred on the licensee to another person or entity; and
- (2) if the licensee is a business entity, includes the transfer of 50 percent or more of the stock, voting rights, membership interest, or other ownership or controlling interest in the entity, regardless of whether the transfer occurs as one transaction or is an aggregate of separate transactions.

**53-102. Enforcement of Chapter.**

This Chapter is enforced by the Director and County law enforcement agencies.

**53-103. Taxicab Services Advisory Committee.**

(a) The County Executive must appoint, subject to confirmation by the County Council, a Taxicab Services Advisory Committee.

(b) The Committee must:

(1) advise the Director in carrying out duties and functions under this Chapter; and

(2) evaluate the performance of the taxicab industry in serving members of the population with special transportation needs, such as senior citizens and people with disabilities.

(c) The Committee consists of 5 public members and 4 taxicab industry members. The County Executive should appoint members so that:

(1) One public member represents senior citizens, and another public member represents people with disabilities.

(2) Two of the 4 taxicab industry representatives represent management and 2 are taxicab drivers.

(3) One of the 2 drivers is an owner-driver and one is a non-owner driver.

(d) The Director or the Director's representative must serve as an ex-officio non-voting member.

(e) A Committee member serves for a term of 3 years, or until a successor is confirmed, whichever is later. A member must not serve more than 2 consecutive full terms. A person appointed to fill a vacancy serves for the remainder of the predecessor's term.

(f) The Committee must annually select one public member as chair.

**53-104. Regulations**

Unless otherwise specified in this Chapter, the County Executive may adopt regulations under method (3) to administer this Chapter.

**53-105. Administrative Record.**

The Director must keep an accurate record of every identification card, permit, certificate and license application for a reasonable time. The record should include all relevant information and material pertaining to the application and any license, permit, identification card, or certificate that is issued.

**53-106. Rates.**

- (a) The County Executive must set taxicab rates, by regulation adopted under method (3), as is in the public interest after holding a public hearing and considering the recommendations of the Committee.
- (b) To encourage ride sharing and other innovative taxicab services, the regulations may require a licensee to accept alternate payment methods and charge rates that are not taximeter based.
- (c) The Director may approve rates lower than those set by the Executive in the regulations based on a contract filed with the Department if the Director finds that the contract will not result in a significant reduction of service to the general public.
- (d) A person must not charge for taxicab service except as computed under applicable regulations or as allowed under subsection (c).

**53-107. Fees.**

The Director may charge fees set by regulation adopted under method (3) in an amount necessary to administer this Chapter.

**53-108. Taxicab stands.**

The Director may designate taxicab stands for the exclusive use of taxicabs where they are required in the public interest.

**53-109. Duplicates.**

Upon proof satisfactory to the Department that a license or identification card has been lost or destroyed the Department must issue a duplicate license or identification card to the licensee or driver, after the licensee or driver has paid the required fee, unless the license or identification card has been revoked or suspended under this Chapter.

**53-110. Customer Service Requirements.**

(a) The Director must establish by regulation adopted under method 3:

- (1) specific customer service requirements and performance criteria to be included in each management plan;
- (2) the required submission dates for each management plan;
- (3) the date each plan must take effect;
- (4) the dates certain improvements must be met; and
- (5) the consequences of failure to meet any requirements.

(b) These regulations must also include:

- (1) qualifications and requirements for receiving additional licenses after all conditions in an approved management plan have been achieved;
- (2) the procedure by which the Director may deny, revoke, or consider a license forfeited for not meeting any requirement in a management plan;
- (3) defined geographic areas of service, and acceptable service parameters for each area;
- (4) information required for a certified audit of performance criteria and data submission; and
- (5) the percentage of calls for advanced service that should be picked up within 5 minutes, and the percentage of calls for immediate

service that should be picked up within 20 minutes.

## **ARTICLE II. LICENSES, PERMITS, CERTIFICATES AND IDENTIFICATIONS**

### **53-201. Required.**

- (a) A person must not operate a taxicab or provide taxicab service without each permit, certificate, identification card, and license required under this Chapter.
- (b) Every driver must possess and prominently display each permit, certificate, identification card, and license required by this Chapter.
- (c) A licensee must not operate a taxicab or provide taxicab service unless the licensee either holds a fleet license and a fleet certificate, or holds one individual license and is affiliated with a certified association or a certified fleet. A licensee must hold a license for each taxicab.

### **Subtitle 1. Passenger Vehicle Licenses**

### **53-202. Periodic Authorization of Licenses.**

- (a) **Authorization.** The Director may periodically authorize a specific number of licenses for issuance to applicants. The Director must set the number of available licenses by regulation. The Director must advertise the availability of these licenses in at least one newspaper of general circulation in the County for 2 consecutive weeks before issuance.
- (b) **Limited Authorization.** The Director may periodically authorize issuance of a a specific number of licenses to qualified applicants who meet criteria which promote competition and further the purposes of this Chapter. The Director must establish these criteria by regulation adopted under method 3.
- (c) **Maximum number of licenses.** The total number of authorized licenses must not exceed 1 license for each 1,000 County residents, as computed

in the most recent decennial U.S. Census.

**53-203. License Application.**

(a) A person may obtain a license by applying to the Director on a form provided by the Department that, at a minimum, requires the applicant to provide:

- (1) the applicant's name, date of birth, current address, and any address where the applicant resided during the previous 5 years;
- (2) the applicant's employment history;
- (3) a statement of financial responsibility, showing the availability of unencumbered financial resources sufficient to place the license into service;
- (4) the applicant's plan for using these unencumbered resources to place the taxicab into service not later than 90 days after the license is issued;
- (5) a certificate of insurance, or a written statement from an insurance company certifying that the applicant will be able to acquire the required insurance and that the insurance will not be canceled or modified without prior written notice from the insurer to the Department;
- (6) the applicant's past customer service record;
- (7) a statement, under oath, that the applicant is familiar with this Chapter and applicable regulations, and is not disqualified from holding a license under this Chapter; and
- (8) the applicant's experience in providing service according to the requirements for an individual license.

**A. Individual Licenses**

**53-204. Individual licenses.**

The Director may issue an individual license to each person who qualifies under this Chapter.

**53-205. Individual License Application.**

In addition to the information required in section 53-203, each applicant must:

- (a) show that the applicant will affiliate with a fleet or an association before putting a taxicab into service;
- (b) hold a valid identification card;
- (c) describe the applicant's experience driving a taxicab or other commercial passenger vehicle, and document a minimum of one year experience as a taxicab driver in the County;
- (d) present evidence of the person's intent to drive the taxicab for 3 years;
- (e) not currently hold a license in the County;
- (f) specify the number and type of consumer complaints naming the applicant during the past 12 months;
- (g) have a safe driving record;
- (h) document sufficient financial and managerial resources to operate and maintain the taxicab in conformance with this Chapter;
- (i) provide a written business plan, including a financial plan;
- (j) describe the geographic areas of service, including the growth in a service area or a willingness to serve areas that need additional service; and
- (k) have provided taxicab service in the County during the past 12 months with no operating or customer service enforcement actions.

**53-206. Individual License Issuance Lottery.**

- (a) If the number of applications filed by all qualified individual applicants equals or is less than the number of authorized licenses designated for individual use for a calendar year, the Director must issue a license to



each qualified applicant. If the number of applications from qualified individuals exceeds the number of authorized individual licenses designated for a calendar year, the Director must conduct a lottery to determine the priority of issuance.

(b) Licenses issued by lottery must be awarded under the procedures of this Section.

(c) The Director may conduct a separate lottery for:

(1) licenses for accessible taxicabs equipped to transport passengers with disabilities;

(2) licenses that become available under new issuance or reissuance during a calendar year; and

(3) any other authorized license that becomes available during a calendar year.

(d) A lottery must be conducted so that each qualified applicant has an equal probability of receiving a license.

(e) A lottery may be conducted in 2 separate phases. Phase 1 would determine the recipients of available individual licenses and continue until all available licenses have been awarded. Phase 2 would create an eligibility list for issuance of individual licenses that later become available. The drawing in Phase 2 must continue until twice the number of available licenses have been drawn. The eligibility list created under Phase 2 is valid for one year.

(f) As licenses become available for reissuance, the Department must notify the applicant highest on the eligibility list that a license is available and of the appropriate acceptance procedures and deadlines. The Department must send notice by mail to the address listed by the applicant on the application or to any updated address provided by the

applicant in writing to the Department. If the taxicab is not placed in service within 90 days after the license is issued, the Director must revoke the applicant's eligibility and notify the next applicant on the eligibility list. The Director may extend the time to place a taxicab in service to permit the taxicab to be retrofitted for use as an accessible taxicab.

### **B. Fleets & Associations**

#### **53-207. Fleet and Association Certificates.**

- (a) Before operating as a fleet or association, an entity must first obtain a fleet or association certificate.
- (b) The Director must issue a fleet or association certificate to the applicant if the application is complete and satisfies all requirements of this Chapter.
- (c) An association certificate must identify, at a minimum, the entity holding the certificate and each individual license affiliated with the Association.
- (d) Each eligible entity that complies with this Chapter may renew a fleet or association certificate annually.
- (e) Each fleet and association must comply with the service and management plans required by this Chapter. Noncompliance with either plan may result in forfeiture of a license under applicable regulations.
- (f) Any fleet or association certificate is automatically forfeited at any time the entity does not continue to qualify for the certificate that was issued.
- (g) If a certificate is forfeited, the Director must also forfeit each affiliated license unless the licensee affiliates with another fleet or association within 60 days after the certificate is forfeited and remains in operation.

- (h) The Director may suspend or revoke a certificate if the Director finds that the certificate holder has engaged in a pattern of conduct that shows a disregard for the requirements of this Chapter.

**53-208. Fleet License Application.**

In addition to the information required in Section 53-203, each applicant must:

- (a) submit evidence that the fleet provides or will be able to provide its own centralized administrative, managerial, marketing, operational, and driver training services in the County;
- (b) submit the applicant's financial and managerial resources to operate and maintain the taxicabs in conformance with this Chapter;
- (c) describe in the management plan the geographic areas of service, including growth in a service area or a willingness to serve areas or populations that need additional service;
- (d) calculate previous taxicab productivity as measured by the number of daily trips per taxicab and trips per shift;
- (e) describe the extent of the applicant's development of and participation in innovative taxicab services;
- (f) submit the number of consumer complaints involving the applicant, by type, in the past 24 months, and the resolution of each complaint;
- (g) list each enforcement action against the applicant or an of its drivers during the past 24 months, listing the number, violations alleged, and disposition of each action;
- (h) submit other performance related criteria, as required by regulation;
- (i) submit a written business plan, describing all ownership and management interests, the levels and types of service to be provided, and proposed operations and marketing plans;
- (j) provide satisfactory evidence of the level of capitalization and expected

operating costs;

(k) describe the applicant's experience providing taxicab service;

(l) describe the applicant's existing or proposed hiring and training procedures for drivers; and

(m) attest that the applicant has not transferred the ownership of any license during the previous 24 months.

**53-209. Award of Additional Fleet Licenses.**

If available fleet licenses are not sufficient to satisfy requests from applicants who qualify for licenses, the Director must establish a comparative ranking system by regulation, using criteria that will promote good customer service, high quality, reliable taxicab service, and a viable, competitive taxicab industry.

**Subtitle 2. Special Licenses.**

**53-210. Special licenses.**

(a) In addition to the licenses regularly available for issuance, the Director may issue special licenses to qualified applicants to provide innovative taxicab service, on an experimental or permanent basis, such as:

(1) transportation for persons with special transportation needs, such as senior citizens or people with disabilities, or to citizens in up-county areas or other underserved areas;

(2) jitney service;

(3) peak demand service; or

(4) similar transportation services.

(b) The availability of licenses under this Section must be advertised in at least one newspaper for 2 consecutive weeks. Licenses must be issued on a competitive basis using relevant criteria and procedures that will achieve a high level of taxicab service.

(c) The Director may establish appropriate conditions to issue a license

under this Section.

(d) The Director may revoke a license issued under this Section at any time for noncompliance with this Chapter or failure to provide the innovative service identified by the Director.

(e) The licensee must return any license issued under this Section to the Department:

(1) when the vehicle is no longer eligible to provide the required service;

(2) if the innovative service is no longer needed; or

(3) if the Director finds that the service was underused during a reasonable time after the license was issued.

### **Subtitle 3. Permits**

#### **53-211. Permit required.**

A person must not operate, or allow another person to operate, a taxicab unless the Director has issued a permit for that vehicle.

#### **53-212. Application for a permit.**

A licensee may apply for a permit for each vehicle the licensee proposes to operate as a taxicab. The application must be in the form established by and contain the information required by the Director under applicable regulations.

#### **53-213. Mechanical inspection certificate.**

Before the Director issues a permit under this Chapter, the licensee must furnish a certificate from a County-designated inspection station that the vehicle is mechanically safe.

#### **53-214. Insurance required.**

(a) Before the Director issues any permit under this Chapter, the licensee must document that the licensee has insurance for the vehicle that covers bodily injury or death to any passenger or other person, and

property damage, in amounts required by applicable regulations.

(b) The insurance must be from an insurer licensed to do business in the State.

(c) The insurance must be effective during the full period for which the vehicle would be permitted.

(d) If the insurance coverage lapses at any time during the permit term, the permit is automatically suspended. The licensee must immediately notify the Department, stop operating the taxicab, and surrender the permit to the Department.

**53-215. One permit for each taxicab.**

A licensee is entitled to only one permit for each taxicab qualified under this Chapter.

**53-216. State registration required.**

The Director must not issue or renew a permit unless the licensee has registered the taxicab as a “class B” for-hire vehicle with the Motor Vehicle Administration for the year in which the permit is applied for, and the registration remains valid. The licensee must notify the Department in writing not more than 2 business days after the vehicle registration is revoked or suspended.

**53-217. Continuous Operation.**

Each licensee that holds a taxicab permit must:

(a) place the taxicab in revenue service, and make it is available for customer service, at least 5 days per week, unless the Director approves otherwise; and

(b) notify the Department in writing any time a taxicab will be out of service for more than 30 days, or when on any standard business day more than 15% of the fleet will be inactive.

**Subtitle 4. Identification Cards**

**53-218. Card Required.**

An individual must not operate a taxicab, or allow another individual to operate a taxicab, unless that individual:

(a) has a valid identification card; and

(b) is capable of performing all duties of a taxicab driver.

**53-219. Contents of Card.**

A taxicab driver's identification card must contain, at a minimum, the driver's name and photograph, the Identification Card number and expiration date, and any other information the Director reasonably requires.

**53-220. Application.**

(a.) A person who holds or who has held a valid identification card must apply for a renewal card not less than 30 days before the current card expires.

(b) An applicant who has not held an identification card, or who formerly held a card that has expired, must apply for a short term temporary license under applicable regulations.

(c) Under procedures established by the Director, a person may obtain an identification card by applying to the Director on a form provided by the Department that at a minimum requires the person to provide:

(1) the applicant's name, date of birth, current address, and any address where the applicant resided during the past 5 years;

(2) a statement regarding whether the applicant has any criminal case pending, has ever been convicted or plead no contest or received probation before judgment in lieu of a conviction of a crime other than a non-incarcerable traffic offense; the nature of each crime, the disposition of each matter, and the name, telephone number, and address of any parole officer or probation officer or agency

that may know of the offense or the proper completion of any sentence, probation, or parole;

(3) an authorization for a complete criminal background check;

(4) a copy of the applicant's fingerprints taken by the County Police Department or other agency as approved by the Department, and current photographs of the applicant of a size and character as required by applicable regulation;

(5) a driver's license valid in the applicant's state of residence, and a certified copy of the applicant's driving record for a time period as required by applicable regulation; and

(6) the applicant's statement under oath that all information contained in the application is correct and complete.

**53-221. Applicant to furnish physician's certificate.**

(a) Before the Director issues an identification card, the applicant must furnish a current physician's certificate which certifies that:

(1) the applicant has been given a physical examination, including an initial tuberculosis test and any other test required by applicable regulation; and

(2) the applicant is free from any communicable disease, and is not subject to any physical or mental impairment that could:

(A) adversely affect the applicant's ability to drive safely; or

(B) otherwise endanger the public health, safety, or welfare.

(b) As part of the renewal process, each applicant must submit another physician's certificate containing the same information every second year.

(c) After the issuing an identification card, the Director may require a driver to furnish a physician's certificate, bearing the current date,



containing the same information, if the Director has reason to believe that the driver may have any physical or mental impairment that could:

- (1) adversely affect the driver's ability to drive safely; or
- (2) otherwise endanger the public health, safety, or welfare.

**53-222. Examination of applicant.**

Before issuing an identification card, the Director may require the applicant to show that the applicant is able to:

- (a) perform the duties and responsibilities of a taxicab driver; and
- (b) pass an examination on knowledge of traffic laws, duties under this chapter, and general qualifications to operate a taxicab in the County.

**Subtitle 5. License, Permit and Certificate Issuance, Denial, Expiration and Renewal**

**A. Issuance.**

**53-223. License Issuance General.**

- (a) The Director may issue a license only to a qualified applicant under this Chapter. An applicant is qualified if the applicant meets all requirements of this Chapter and applicable regulations.
- (b) When a person is entitled to a license, the Director must furnish the person a license containing all information required by law or regulation.

**53-224. Identification Card Issuance; contents.**

The Department must issue an identification card to every driver who is qualified under this Chapter.

**53-225. Permit Issuance.**

When a licensee is entitled to a permit for a taxicab, the Director must issue a permit containing all information required by law or regulation.

**B. Denial.**

**53-226. Criteria to deny an Identification Card, License, or Certificate.**

The Director must not issue or renew an identification card, license, or certificate to any person, licensee, certificate holder or applicant:

(a) who, within 5 years before the application is submitted, was convicted of, pled guilty or no contest to, or was placed on probation without a finding of guilt for, or who has within 3 years before the application was submitted completed a sentence or period of probation based on a charge for:

(1) any offense involving violence or a weapon;

(2) any sex offense;

(3) soliciting for prostitution;

(4) illegal sale or use of alcoholic beverages, particularly when driving;

(5) violation of any law governing controlled dangerous substances;

(6) violation of any gaming law;

(7) any offense involving driving under the influence;

(8) any act of moral turpitude; or

(9) has a charge pending for any offense listed in this subsection;

(b) who has a pattern of reasonably verifiable complaints of poor customer service during the previous 24 months;

(c) whose traffic record of “moving” offenses for the 3 years immediately before the application was submitted, or while licensed to drive a taxicab, demonstrates that the applicant is not a responsible, safe, or careful driver. This record may include eyewitness testimony of unsafe or dangerous driving;

(d) who makes a false statement or gives a false answer to obtain, or who obtains, an identification card by fraud, misrepresentation, misleading

statements, evasion, or suppression of material fact;

- (e) who is unable to safely operate a taxicab, or who may otherwise endanger the public health, safety, or welfare, or who would be unable to fulfill the duties of a driver as required by applicable regulation;
- (f) who has outstanding debts to the County, State, or Federal government;
- (g) whose record of violations of this Chapter or other laws or regulations of the County, State, or any other jurisdiction indicates to the Director that to protect public safety a license should not be issued.

If an identification card, license, or certificate is denied or revoked, the applicant is not eligible to reapply for 2 years, unless the Director otherwise orders.

**53-227. Criteria to deny a License or Certificate.**

- (a) A licensee, applicant, or certificate holder, as those terms are used in this Section, includes any director, officer, partner, managing agent, or authorized person.
- (b) The Department must not issue or renew a certificate or vehicle license to any person, licensee, applicant, or certificate holder:
  - (1) who provides a false statement to any question on any form required by the Department, or who attempts to obtain or obtains a license by fraud, misrepresentation, misleading statements, evasion, or suppression of material facts; or who has been found guilty of fraud, misrepresentation, or false statement in the course of activity in a taxicab business;
  - (2) who, while previously operating in any jurisdiction, has had a license or other permission to operate revoked or suspended;
  - (3) who has failed to keep a taxicab in continuous operation as required under this Chapter; or

- (4) who has not operated at the established service levels as provided for in the applicable management plan, or not complied with any required safety, operational, and inspection requirement of this Chapter.

### **C. Expiration.**

#### **53-228. Expiration of identification card.**

The first identification card issued to a person under this Chapter expires one year after it is issued. Any later identification card expires 2 years after it is issued.

#### **53-229. Expiration of license, permit, or certificate; renewal.**

- (a) A license or certificate expires one year after it is issued. A permit expires 7 years after it is issued, or whenever the vehicle for which it is issued is 7 model years old, whichever occurs first.

- (b) A permit must not be renewed if:

- (1) the taxicab is not being used for revenue service;
- (2) the taxicab has not been replaced to comply with this Chapter and applicable regulations; or
- (3) the licensee or taxicab otherwise does not comply with all applicable laws and regulations.

- (c) The Director may renew a license, permit, or certificate if the licensee, permit or certificate holder:

- (1) is in compliance with all applicable laws and regulations, including all required safety, operational, and inspection requirements of this Chapter;
- (2) submits a statement under oath affirming that there are no changes in the information and statements submitted with the original application, except as previously or then submitted;
- (3) pays the required fee; and

(4) provides the established service levels.

**ARTICLE III. REGULATIONS AND RESTRICTIONS ON LICENSEES.**

**Subtitle 1. Regulations & Restrictions affecting everyone.**

**53-301. Duty of licensees and drivers generally.**

Each licensee, certificate holder, permittee, passenger, and driver must comply with this Chapter and all applicable laws and regulations.

**53-302. Adequate Coverage Required.**

Each fleet and association must provide or arrange for adequate coverage on weekends, weekdays, and evenings.

**53-303. Multiple Interest.**

(a) A fleet or association, including any officer, director, owner, employee, affiliate, subsidiary, and holding company, must not have any direct or indirect ownership interest in or management control over another fleet or association that operates in the County.

(b) A fleet or association may obtain certain services, such as dispatch, communication or maintenance, from another person who does not hold or have an interest in a license issued under this Chapter with the approval of the Director.

(c) An individual must not hold a fleet license, and a fleet must not hold an individual license.

**53-304. Regulation of taxicabs from other jurisdictions.**

(a) This Chapter does not prohibit a driver from bringing passengers into the County if the trip originated in a jurisdiction where the driver and the taxicab are authorized to operate.

(b) A person who does not have a license and identification card issued by the County must not solicit business or pick-up and transport passengers in the County unless a passenger engaged the taxicab to bring the

passenger into the County, wait for the passenger, and then take the passenger to another location.

(c) The Director may enter into reciprocal agreements with other jurisdictions.

(d) Any taxicab licensed in the County must only provide trips that either begin or end in the County, except a trip:

(1) dispatched under the operational procedure of the Metropolitan Airports Authority; or

(2) provided under a contract approved by the Director and on file with the Department.

(e) Any taxicab operating under a license issued under this Chapter must not obtain or operate under a license to provide for-hire service in any other jurisdiction.

**53-305. Licensees and Drivers to Give Notice of Change of Address.**

Each licensee and driver must notify the Department, in writing, not less than 2 business days after changing a business or residential address or required telephone number, or if the licensee changes any officer, principal, partner, managing agent, or authorized person.

**53-306. Nature of Ownership and Transferability.**

(a) A license, permit, certificate, or identification card does not create a compensable property interest in the holder.

(b) Any fleet license, permit, identification card, or certificate must not be transferred.

(c) An individual license may be transferred only if:

(1) the Department issued the individual license to an individual before January 1, 2004, and the individual license was never held by a fleet;

- (2) the individual license was not transferred with the previous 3 years;
- (3) the licensee notifies the Department in writing of the proposed transfer not less than at 30 days before the date of the proposed transfer, specifying all terms and conditions of the proposed transfer and the identity of the proposed transferee;
- (4) the Director finds that the proposed transferee meets all requirements of this Chapter and applicable regulations; and
- (5) the licensee surrenders the license when the Director approves the transfer.
- (d) A transferred license is valid for the remainder of the term of the original license.

**53-307. Alcoholic beverages and Controlled Dangerous Substances.**

- (a) A person may transport alcoholic beverages only if all beverages are sealed and placed in the trunk of the taxicab.
- (b) A controlled dangerous substance must not be transported in a taxicab unless the substance was properly prescribed to the person who possesses it.

**53-308. Display.**

- (a) License and Permit. Each licensee and driver are both responsible for displaying prominently in the taxicab at all times the license and permit for the taxicab in a location that is plainly visible to passengers.
- (b) Taxicab Driver Identification Card. Each driver must display the identification cards prominently in the taxicab at all times in a location that is plainly visible to passengers.
- (c) Permit number. The taxicab's permit number must be displayed in the taxicab at all times in a location that is plainly visible to passengers.

**53-309. Smoking.** Smoking is prohibited in any taxicab at all times.

**Subtitle 2. Regulations & Restrictions affecting Licensees**

**53-310. Operations.**

Each fleet and association must:

- (a) obtain a valid certificate in order to operate any license in its possession;
- (b) establish a centralized office in the County, or at another location approved by the Director;
- (c) provide a communication system approved by the Director that:
  - (1) gives the driver and fleet or association two-way dispatch communication; and
  - (2) allows public access for the purpose of reservations, complaints, and information. The communications system must allow a member of the public to speak to a staff member 24 hours a day, 7 days a week;
- (d) operate under uniform colors and markings approved by the Director;
- (e) submit a management plan as required by this Chapter that specifies how the fleet or association will achieve the plan's goals for safe, reliable customer service and on-time performance;
- (f) submit a professional certified program audit that includes accurate, certified verifiable operating and statistical data reports as required under this Chapter;
- (g) provide an adequate number of taxicabs to meet service demand 24 hours a day, 7 days a week, as defined by applicable regulations; and
- (h) comply with all requirements of this Chapter regarding the provision of accessible taxicabs.

**53-311. Taxicab fleets and associations.**

Each fleet and association must:



- (a) provide its own centralized administrative, vehicle maintenance, customer service, complaint resolution, management, marketing, operational, and driver training services located in the County, or at another location approved by the Director, that are physically separate from any other association or fleet taxicab company. A fleet or association may obtain these services with the approval of the Director from another person or entity who does not hold or have an interest in a license issued under this Chapter;
- (b) designate one person to act on behalf of the fleet or association in all dealings with the Department; and
- (c) file with the Department, in addition to any other data required by law:
- (1) if the fleet or association is incorporated, a copy of its certificate of incorporation, bylaws, and other rules and regulations relating to the organization and operation of the association and its membership;
  - (2) if an incorporated taxicab association holds a license, each year by February 1 a certificate of good standing issued by the State Department of Assessments and Taxation; and
  - (3) information on a form provided by the Department, showing, for each taxicab, the licensee's name and address, vehicle make, vehicle identification number and taxicab number, and other pertinent information listed on the form. Any change in the information required by this paragraph must be filed in writing with the Department within 2 business days after the change.

**53-312. Taxicab associations.**

Each licensee in an association must hold no more than one license, except that any licensee that holds more than one license on July 1, 2004, may continue to

1729 hold those licenses.

1730 **53-313. Customer Service; Management Plan.**

- 1731 (a) Each fleet and association is responsible for providing timely, safe,  
 1732 reliable quality taxicab service. To that end, each fleet and association  
 1733 must annually submit to the Director a management plan as required by  
 1734 this Section.
- 1735 (b) The Director must automatically, without holding a hearing, suspend or  
 1736 revoke the fleet or association certificate of any fleet or association that  
 1737 does not submit a management plan by the due date. Each suspension  
 1738 or revocation takes effect 30 days after the plan was due.
- 1739 (c) The Director must publish a targeted goal for the standards in the  
 1740 forthcoming year not less than 3 months before the management plan  
 1741 submission deadline.
- 1742 (d) The Director must provide service area maps outlining up to 4 areas of  
 1743 the County. The Director may revise the service area borders from the  
 1744 previous year not less than 3 months before the management plan  
 1745 submission deadline.
- 1746 (e) All data submitted in a management plan must be certified by an  
 1747 independent audit performed by a third party auditor approved by the  
 1748 Director.
- 1749 (f) At a minimum, each management plan must:
- 1750 (1) describe all ownership and management interests, the levels and  
 1751 types of service provided, and proposed operations and marketing  
 1752 plans;
- 1753 (2) propose response times for immediate and reservation service,  
 1754 and specify the fleet or association's anticipated percentage of  
 1755 trips that will achieve the Department's standard of calls for

advanced service requests that must be picked up within 5 minutes and calls for immediate service that must be picked up within 20 minutes;

(3) either:

(A) submit proposed response times for immediate and prearranged service for the entire County, or;

(B) submit proposed response times for immediate and prearranged service that are different in each of the Department-designated service areas. When different response times are presented, the plan must describe why the differences are being proposed, including the growth in a service area or a willingness to serve areas that need additional service;

(4) include timelines to achieve the proposed standards, if they will not be met in the plan year;

(5) describe operational changes that would result in improved service;

(6) specify the number of taxicabs needed to achieve response times, and justify an increase in taxicab licenses, if requested, based on community needs;

(7) include a phased-in plan for service improvements, particularly noting service improvements to senior citizens, people with disabilities, or other underserved populations identified by the Director;

(8) describe the fleet or association participation, and goals for participation, in user-side subsidy programs;

(9) calculate the user-side subsidy program participation data for the

previous 12 months;

(10) describe the fleet or association's geographic areas of service,  
including growth in a service area or a willingness to serve areas  
that need additional service;

(11) calculate prior taxicab productivity, measured by the number of  
daily trips per cab and trips per shift;

(12) describe the fleet or association's development of and  
participation in innovative taxicab services;

(13) list the number of consumer complaints, by type, filed in the past  
24 months; and

(14) list the number of enforcement actions against the applicant or its  
drivers begun and completed during the past 24 months.

**53-314. Quarterly Accident Reports.**

Each licensee must submit a quarterly report detailing all accidents involving  
any of its taxicabs to the Department on a form approved by the Director. The  
Director may request a more frequent report.

**53-315. Large fleets and associations.**

Any fleet or association authorized to operate more than 50 licenses must  
participate in the County's user-side subsidy programs, as required by applicable  
regulations.

**53-316. Responsibility of licensee as to drivers.**

(a) A licensee must not permit any taxicab to be operated in this County by  
a person who has:

(1) not complied with all requirements of this Chapter; or

(2) tested positive for drugs or alcohol, unless authorized by the  
Director.

(b) Each licensee must supervise and control the operation of the licensee's

taxicabs so that:

- (1) an unauthorized person does not operate a taxicab; and
- (2) its drivers fully comply with all requirements of this Chapter.

### **Subtitle 3. Regulations & Restrictions on drivers.**

#### **53-317. Duty to accept and convey passengers.**

- (a) Each driver of a taxicab must accept any passenger and convey any passenger where directed upon dispatch or request, unless:
  - (1) the taxicab is out of service;
  - (2) the driver is previously engaged, or
  - (3) the driver is unable or prohibited by this Chapter or another law or regulation from accepting the passenger.
- (b) A driver must not refuse to transport a passenger because of the passenger's disability, race, color, marital status, religious creed, age, sex, national origin, sexual orientation, or geographic location.
- (c) A driver may refuse to transport a passenger if the driver reasonably believes the driver's life or safety is in danger, but the driver must not refuse service because of the passenger's disability, race, color, marital status, religious creed, age, sex, national origin, sexual orientation, or geographic location.
- (d) Any driver who refuses to transport a passenger must:
  - (1) immediately report the incident and circumstances to the dispatcher, and
  - (2) submit a written report to the Department on a form approved by the Director not less than 2 business days after the incident.

#### **53-318. Passenger receipts.**

A driver must give each passenger a receipt showing the name of the fleet or association, the taxicab number, the time and place of origin and destination of each

trip, and the amount of the fare, on a form authorized by the Department, when requested to do so by a passenger.

**53-319. Trip records.**

- (a) Each driver must keep an original written record, for a period of 6 months, of all in-service trips on a form approved by the Department. Each in-service trip must be entered on the trip record at the point of pickup. Each trip record must include at a minimum the time the driver came "on duty," and the taxicab's initial daily mileage.
- (b) The licensee and driver must submit trip records to the Department whenever requested to do so by the Director.
- (c) Each trip record must include the date, the driver's starting and ending time, and the taxicab's starting and ending mileage for the driver's work day.
- (d) Each rest break must be entered on the trip record.

**53-320. Out of service notice.**

When a taxicab is not operating, the driver must display a notice visible to the public that the taxicab is out of service. This notice must take a form approved by the Director.

**53-321. Parking at taxicab stands.**

- (a) A driver must not park in a taxicab stand unless the taxicab is in service, the driver is within 50 feet of the taxicab, and the driver is clearly visible from the taxicab and the area adjacent to it.
- (b) A person must not park any vehicle other than a taxicab at a taxicab stand.

**53-322. Parking to solicit business.**

A driver must not park in any publicly controlled parking space, whether restricted by parking meter or posted by official signs, to solicit business.

**53-323. Trips to be made by most direct route.**

A passenger may request that a driver take a specific route to the passenger's destination. Otherwise, a driver must make all trips by the most direct route from the point of pickup to the point of destination.

**53-324. Accident reports.**

(a) Each driver must submit to the licensee not more than 24 hours after the accident a written report of any accident involving an in-service taxicab operated by the driver if any property was damaged or any person was injured.

(b) The report must include the driver's name; driver's identification card number; taxicab number; date, location, time, and description of the accident; and whether a police report was filed.

(c) The licensee must obtain any official police report of the accident and submit it to the Department not more than 7 days after the accident.

**53-325. Permitting use by other persons prohibited.**

A person who holds an identification card under this Chapter must not permit its use by any other person.

**53-326. Hours of operation.**

A full time driver must not drive a taxicab more than 12 hours during any 24 hour period. A part-time driver must not drive a taxicab more than 4 hours during the same 24 hour period in which the driver is otherwise employed for at least 8 hours.

**Subtitle 4. Regulations & Restrictions affecting Permits**

**53-327. Procedure when vehicle placed in or removed from service.**

(a) Each licensee must notify the Department in writing at least 3 business days before placing a taxicab in service or permanently removing a taxicab from service;

- (b) Each licensee must place a taxicab in service within 90 days after a permit is issued. The Director may extend this time to allow a taxicab to be retrofitted for use as an accessible taxicab.
- (c) Each licensee must notify the Department when removing a taxicab permanently from service, whether the owner junks the vehicle, sells it, or transfers its title.
- (d) Each licensee must notify the Department if the tags have been stolen or the registration or license of the vehicle has been suspended or revoked. Any taxicab without a valid registration or with expired, revoked or suspended plates must not be used to provide taxicab service.
- (e) When a taxicab is permanently out of service, the licensee must return the permit to the Department and must remove the meter, cruising lights and any other marking or sign that identifies the vehicle as a taxicab.
- (f) Each licensee must apply for and receive the Department's approval before temporarily taking a taxicab out of service for a period longer than 30 days. The licensee must include in the application a statement explaining why the taxicab is out of service and listing its permit number, assigned vehicle number and registration number. If the Department finds that the licensee has good cause to take the taxicab out of service, the Department may approve that action.
- (g) Taxicabs placed in service must not be more than 4 model years old.

**53-328. Retirement of Vehicles.**

Each licensee must retire any taxicab that is more than 7 model years old, and must not use it to provide taxicab service in the County.

**53-329. Maintenance and Repair.**

- (a) Each licensee must maintain each taxicab in a clean and safe operating condition, and maintain its lights, brakes, window glass, doors, tires,



fenders, paint, upholstery, and all devices and parts affecting the vehicle's operation or appearance.

(b) Each licensee must comply with any order of the Director to immediately remove from service any taxicab which is not in safe operating condition or clean, sanitary, and of good appearance until all necessary repairs and replacement of defective equipment, painting, or cleaning has been completed.

(c) Any taxicab removed from service under this Section must not be reinstated in service until it has been inspected and approved under procedures established by applicable regulation.

**53-330. Vehicle Numbering, Lettering, and Markings.**

(a) When a permit for a taxicab is issued under this Chapter, the Department must assign a permit number to the taxicab. The licensee must assign a vehicle number to each taxicab. This number must be permanently applied, plainly visible and not less than 3 inches high, on each of the 2 sides, on each of the 2 rear door roof columns, and on the rear of each taxicab.

(b) When the Director so orders, the permit number must be affixed to the taxicab by decal or metal tag provided by the Department in a manner approved by the Director.

(c) Numbers must be assigned only in the manner designated by the Director. A person must not remove, reassign, or change a number from one vehicle to another without written authorization from the Department.

(d) The licensee must place lettering on the passenger side of the taxicab, in a form and manner approved by the Director, identifying the holder of the permit.

(e) A taxicab operating in the County must have the permit number, and the name and telephone number of the fleet or association that owns or operates it and to whom complaints can be made, prominently displayed in the rear seat area of the taxicab with lettering and numbering at least 1.5 inches high. Information in Braille, as defined in this Chapter, must be posted.

(f) A licensee must post a rate chart issued by the Department in the taxicab in a location conspicuously visible to any passenger.

**53-331. Same Doors; lettering; color; special equipment.**

(a) Each taxicab operated in the County must have at least 3 doors. All doors must operate safely.

(b) A licensee or driver must not operate a taxicab unless the taxicab bears markings in letters plainly distinguishable and not less than 3 inches high, on each of the 2 sides of the taxicab, showing the approved name and telephone number of the fleet or association by whom the taxicab is owned or operated, and the word "taxicab," "taxi" or "cab." This same information, along with the name of the holder of the permit, must be provided and visible to each passenger in the taxicab in letters at least 1.5 inches high.

(c) All taxicabs in a fleet or association must be uniform in color. Any color combination approved by the Department must be reserved for the exclusive use of that fleet or association when the fleet or association is operating taxicabs in the County.

(d) Each licensee must insure that each fleet or association only uses the approved name of the fleet or association in advertising or listing its service to the public.

**53-332. Cruising Lights.**

Each taxicab must have cruising lights that operate electrically as a sign or insignia mounted on the forward portion of the roof of the taxicab. These lights must not be used until approved by the Department. These lights must be designed so that the vehicle can be easily identified as a taxicab.

**53-333. Seat belts.**

Each taxicab must have one set of seat belts for each person in the taxicab. The seat belts must be easily accessible and in good working order.

**53-334. Taxicab meters.**

(a) Each taxicab must be equipped with an accurate, properly installed and connected taximeter which has a security seal affixed by the Department.

(b) In addition to regular inspections, the Department may conduct periodic tests of these meters. Upon successful completion of the tests, the taximeter must be affixed with a security seal. These tests should be scheduled in a manner that minimizes interruption of taxicab service to the public.

(c) Except as otherwise specified, the requirements for approval and methods of testing and operation of taximeters must conform to specifications, tolerances and regulations for taximeters set out in national standards or established by applicable regulation.

(d) A person must not alter the meter or change the mechanical condition of wheels, tires, and gears of any taxicab with intent to cause incorrect registration by the meter of the fare charged any passenger.

**53-335. Inspections.**

(a) Each licensee must allow the Director to make reasonable inspections of any vehicle licensed to operate under this Chapter, and must allow the Director to examine any business records, including any maintenance,

in-service inquiries and dispatching records required to analyze data and enforce this Chapter, and all trip records required under this Chapter. Maintenance record includes any record needed to establish whether safety repairs have been made, or that reflects the mileage and odometer readings of any vehicle repaired.

(b) On the request of the Director or a law enforcement officer, any licensee or driver must produce any required license or identification card or a valid driver's license.

(c) Each licensee must respond to oral requests within 60 minutes when any trip record is requested during a field investigation by any inspector or law enforcement officer.

(d) Each taxicab operating in the County and licensed under this Chapter must undergo a complete inspection of its general mechanical condition and any special equipment used to transport persons with disabilities every 6 months at a time and place designated by the Department. The Director must immediately, without holding a hearing, suspend the license of any taxicab in an unsafe physical or mechanical condition, or the condition of which violates any law. The Director must immediately reinstate any unexpired suspended license after receiving satisfactory proof that the violation of law or physical or mechanical defect has been corrected.

#### **ARTICLE IV. PASSENGERS.**

##### **53-401. Duty of passenger to pay fare.**

**Error! Bookmark not defined.** A person who uses a taxicab must pay any lawful charge due before leaving the taxicab.

##### **53-402. Driver and passengers only permitted in vehicle; exception.**

When a taxicab is in service, a person other than the driver and the passengers

must not be allowed in the taxicab, except:

(a) a person participating in a driver training program maintained by the licensee; or

(b) a passenger's personal care attendant.

**53-403. Maximum number of passengers.**

A driver must not carry more people in a taxicab than the number designated on the license.

**53-404. Group riding.**

(a) A taxicab may be used to jointly serve passengers who have not previously notified the driver or dispatcher of their intention to travel together and whose trips either begin or end at different locations.

(b) A driver must not accept any additional passengers, after the driver has accepted the initial passenger or group of passengers, until the trip is completed.

(c) Each person sharing a taxicab must have consented to share the ride with others.

(d) A driver must not solicit other passengers en route to the destination of the passengers who already occupy the taxicab.

(e) A person seeking taxicab service must not be refused service so that the driver may try to arrange a more profitable grouping.

**ARTICLE V. ACCESSIBILITY.**

**53-501. Standards.**

(a) A person must not operate an accessible taxicab until the Department approves the special equipment required.

(b) Each accessible taxicab must conform to the Americans with Disabilities Act standards and all other applicable federal, state, and County standards.

**53-502. Interior numbering and lettering.**

Any interior taxicab vehicle identification required under this Chapter must also be posted in Braille.

**53-503. Training.**

Any licensee who transports passengers who use wheelchairs or scooters must train each driver on the special needs of persons with disabilities. The training program must be approved by the Department after consulting the Commission on People with Disabilities, the Department of Health and Human Services, and the Taxicab Services Advisory Committee. This training should be made available to any driver who is issued an identification card under this Chapter.

**53-504. Duty to accept and transport persons with disabilities.**

Without limiting the general duty to accept and convey passengers, the driver of an accessible taxicab must respond to a call for service from a person with a disability who uses a wheelchair or scooter before accepting any other call. Each licensee must dispatch an accessible taxicab to a person with a disability who uses a wheelchair or scooter before assigning the accessible taxicab to any other passenger.

**53-505. Accessible taxicab trip records.**

Each driver must keep a current written record of all accessible taxicab trips on a form approved by the Department. The driver must submit these trip records to the licensee. The licensee must submit quarterly trip records to Department listing the number of wheelchair and scooter users transported in each vehicle.

**53-506. Number of accessible taxicab licenses.**

(a) The overall number of accessible taxicab licenses must not be less than 5% of the total of available County taxicab licenses.

(b) The Department must set the number of new accessible taxicab licenses by regulation, based on past and current demand and after consulting the Taxicab Services Advisory Committee, the Commission on People with

Disabilities, and the Department of Health and Human Services.

(c) The Department by regulation may establish a method to allow temporary replacement of accessible vehicles with sedans after considering the recommendations of the Taxicab Services Advisory Committee.

(d) Each fleet and association must provide an adequate number of accessible taxicabs to meet service demand 24 hours per day, 7 days a week, as required by applicable regulation.

## **ARTICLE VI. ENFORCEMENT.**

### **53-601. Obstruction and Hindering of Investigations.**

A person must not obstruct or hinder an official investigation being conducted by the Department or any law enforcement officer.

### **53-602. Penalty for violations.**

(a) Any violation of this Chapter or regulations adopted under it, or any violation of an order of the Director, is a Class A violation.

(b) The Director may revoke or suspend any or all licenses, certifications, or permits held by a licensee or a driver's identification card of a driver, as appropriate, if, after notice and opportunity for a hearing, the Director finds that:

(1) facts existing before or after the issuance of a license, certification, permit, or identification card would be cause under this Chapter for the Director to refuse to issue or renew the license, certificate, permit, or card;

(2) a licensee or driver violated this Chapter or regulations adopted under it, or any other applicable federal, state, or County law;

(3) a licensee or driver has been convicted of any crime of moral turpitude, including a crime of violence, sex offense, or violation

- 2107                   of a controlled dangerous substance or gaming law;
- 2108           (4)   a licensee or driver obtained or attempted to obtain a license,
- 2109                   certificate, permit, or identification card by fraud,
- 2110                   misrepresentation, false or misleading statement, or omission of
- 2111                   material facts; or
- 2112           (5)   a licensee or driver operated a taxicab, or allowed a taxicab to be
- 2113                   operated, in a manner that endangered the public health, safety, or
- 2114                   welfare, or with a record of poor customer service.
- 2115       (c)   In addition to the reasons specified in subsection (b), the Director may
- 2116                   revoke or suspend a license, certificate, permit, or identification card if:
- 2117               (1)   the Department received a consistent pattern of reasonably
- 2118                   verified complaints against the holder of the license, certificate,
- 2119                   permit, or identification card within any 12 month period, or the
- 2120                   Department received a reasonably verified complaint involving a
- 2121                   threat to the public health, safety, or welfare;
- 2122               (2)   the licensee or driver was convicted of, pled no contest to, or was
- 2123                   placed on probation before judgment for operating a motor
- 2124                   vehicle under the influence of or while intoxicated with alcohol
- 2125                   or a controlled dangerous substance, or for reckless driving; or
- 2126               (3)   The licensee or driver was convicted of failure to stop after
- 2127                   involvement in an accident or has a driving record which
- 2128                   indicates an unsafe driving pattern or disregard for motor vehicle
- 2129                   laws.
- 2130       (d)   A revocation or suspension under subsection (b)(3) must remain in
- 2131                   effect, pending appeal, until the criminal action is concluded.
- 2132       (e)   This Section is in addition to any other provision of this Chapter that
- 2133                   establishes cause to suspend or revoke a license, certificate, permit, or



driver's identification card.

(f) A person whose identification card has been revoked must not reapply for another identification card for at least 2 years.

(g) If there is probable cause and the public interest so requires, the Director may immediately suspend, revoke, or deny the issuance of a license, certificate, permit, or taxicab driver identification card.

(h) The Executive, by regulation adopted under method (3), may establish a schedule of fines for violations of this Chapter, any regulations adopted under it, or any order issued under it. Those fines may be lower than the maximum fine for a Class A violation, and once adopted, supersede the fine otherwise imposed for a Class A violation for those provisions to which the regulation applies.

(i) In addition to any revocation and suspension, the Director may impose a fine and place on probation any person who violates this Chapter.

## **ARTICLE VII. HEARINGS, APPEALS, AND JUDICIAL REVIEW.**

### **53-701. Administrative appeal of License and Identification Card issuance.**

(a) A person may appeal to the Director from a decision denying a driver identification card, permit, certificate, or license, including the opportunity to compete for a license under the lottery procedures of this Chapter because of a lack of qualifications.

(b) An appeal must be filed in writing within 15 days after the Director sends the person a written decision. If the appellant requests a hearing, the Director must provide an opportunity for a hearing under Chapter 2A.

(c) The decision of the Director under this Section is final administrative action for purposes of judicial review.

### **53-702. Notice and opportunity for hearing.**

- (a) Upon determining that one or more grounds for suspension or revocation exist, the Director must serve a written notice on the licensee or driver, as appropriate, in person or by U.S. mail, first class, postage prepaid, addressed to the licensee's or driver's last known address as maintained in the licensee's or driver's file.
- (b) Service on the licensee or driver by mail is effective 7 calendar days after mailing under this Section.
- (c) The written notice must:
- (1) notify the recipient that the Director has found that the license, certificate, permit, or identification card may be subject to suspension or revocation;
  - (2) specify the grounds for the Director's finding; and
  - (3) set a date for a hearing.
- (d) The Director must set a hearing date as required by Chapter 2A unless is the licensee or driver and the Director agree to an earlier date, in which case other filing deadlines may be shortened to expedite a hearing without prejudicing either the appellant or the Department.
- (e) The hearing may be conducted by the Director or a hearing officer. At the hearing, the licensee or driver may present evidence and witnesses to refute the grounds cited by the Director to suspend or revoke the license, permit, certificate, or identification card, and the Department and any other person may submit relevant evidence. The administrative record compiled by the Department under this Chapter must be made part of the hearing record. After the close of the hearing, the person who conducted the hearing must render a decision in writing, giving the reasons for the decision. The action taken by the Director is the Department's final administrative action and is subject to judicial

review.

(f) Any person who requests a copy of the hearing transcript must pay the cost of preparing it.

(g) A licensee or driver who does not appear at the hearing waives the right to a hearing and consents to the action that the Director proposed in the notice. The Director may suspend or revoke the license, certificate, permit, or identification card as proposed in the notice.

(h) A licensee or driver who does not appear at the hearing must pay the costs of the hearing unless that person notifies the Director that he or she will not appear at least 5 days before the scheduled hearing. Fees and costs for hearings may be established by regulation.

(i) A suspension or revocation takes effect on the earlier of the day that the Director's written decision is delivered in person or 3 days after it is placed in the U.S. mail, first class, postage prepaid, addressed to the last known address of the licensee or driver. To facilitate enforcement of this provision, the Director may require the licensee or driver to appear at the Director's office at a specific time to receive a copy of the decision and surrender the license, certificate, permit, or identification card. The licensee or driver must comply with the Director's order.

**53-703. When effective; surrender of license.**

(a) After receiving notice of a revocation or suspension, unless otherwise directed, the licensee or driver must, within 24 hours:

- (1) place the license, certificate, permit or identification card in the mail, first class, postage prepaid, addressed to the Department; or
- (2) physically deliver the License, certificate, permit or identification card to the Department.

(b) If the Department does not receive the license, certificate, permit or

identification card within 48 hours after notification, excluding weekends or a legal holiday, or as directed, the holder of the licensee or identification card has violated this Chapter and, in addition to any other penalty that may be imposed, the Director or police may:

(1) remove the revoked or suspended license, certificate, permit or identification card from the taxicab;

(2) seize the taxicab and hold it until the license, certificate, permit or identification card is surrendered; or

(3) demand the return of the license, certificate, permit, or identification card by the appropriate person.

**53-704. Judicial review - denial, revocation, or suspension.**

(a) Any person aggrieved by the denial, suspension, or revocation of a license, certificate, permit, or identification card may apply for judicial review under the applicable Maryland Rules of Procedure.

(b) If a transcript has not been prepared, the appellant must pay the cost of preparing the transcript.

(c) The Director's decision to deny a license, certificate, permit or driver identification card must not be stayed pending judicial review. Final administrative action that revokes or suspends a license, certificate, permit, or identification card may be stayed pending judicial review only if the court finds, after a full evidentiary hearing, that:

(1) the public health, safety, or welfare will not be endangered during the period of judicial review; and

(2) a bond has been posted in an amount that equals the minimum level of insurance required by this Chapter.

(d) A lottery or other license issuance procedure may proceed while judicial review of the denial of a license or the opportunity to compete for a

2242 license is pending. Judicial modification or reversal of a final  
 2243 administrative action to deny a license or the opportunity to compete for  
 2244 a license does not affect the validity of any other license that was  
 2245 properly issued under this Chapter. If the court finds that a license was  
 2246 improperly denied, the court may order the Director to issue the license,  
 2247 notwithstanding any numerical limit in this Chapter on the number of  
 2248 licenses that can be issued. However, a license must not be issued to the  
 2249 appellant until all rights to judicial review have been exhausted.

2250 *Approved:*

2251 \_\_\_\_\_  
 Steven A. Silverman, President, County Council

\_\_\_\_\_  
 Date

2252 *Approved:*

2253 \_\_\_\_\_  
 Douglas M. Duncan, County Executive

\_\_\_\_\_  
 Date

2254 *This is a correct copy of Council action.*

2255 \_\_\_\_\_  
 Mary A. Edgar, CMC, Clerk of the Council

\_\_\_\_\_  
 Date